
TIGARD CITY COUNCIL
MEETING

December 10, 2002 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
December 10, 2002

6:30 PM

- STUDY SESSION

- > REVIEW OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION INTERGOVERNMENTAL AGREEMENT (See item 4.3 on the consent agenda)

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss labor negotiations under ORS 192.660(1d). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items

- 2. RECOGNITION OF TYLER HOLMGREEN FOR HIS EAGLE SCOUT LEADERSHIP SERVICE PROJECT

- Mayor Griffith

- 3. VISITOR'S AGENDA (Two Minutes or Less, Please)

- Tigard High School Student Envoy

- 4. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 4.1 Approve Council Minutes for November 12 and 19, 2002
 - 4.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
 - c. Canvass of Votes for Mayor and City Councilor Positions from the November 5, 2002 Election
 - 4.3 Approve a Revised Intergovernmental Agreement for the Metropolitan Area Communications Commission – Resolution No. 02 - _____
 - 4.4 Appoint Tom Woodruff to the Budget Committee – Resolution No. 02 - _____
 - 4.5 Reappoint Scot Sutton and Appoint William “Bill” Haack to the Planning Commission and Appoint Rex Caffal as an Alternate to the Planning Commission – Resolution No. 02 - _____
 - *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*
-
5. UPDATE ON THE NEW TIGARD LIBRARY
 - a. Staff Report: Library Staff
 - b. Council Discussion
 6. CONSIDER A RESOLUTION ADOPTING THE LOCAL SERVICE TRANSIT ACTION PLAN
 - a. Staff Report: Community Development Staff
 - b. Council Discussion
 - c. Council Consideration: Resolution No. 02 - _____
 7. CONSIDER A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE URBAN SERVICE AGREEMENT RELATED TO SENATE BILL 122 ON BEHALF OF THE CITY
 - a. Staff Report: Community Development Staff
 - b. Council Discussion
 - c. Council Consideration: Resolution No. 02 - _____

8. CONSIDER A RESOLUTION ENDORSING PROJECTS FOR THE "04-07 METRO TRANSPORTATION IMPROVEMENT PROGRAM" APPLICATION AND AUTHORIZING THE APPLICATION
 - a. Staff Report: Community Development Staff
 - b. Council Discussion
 - c. Council Consideration: Resolution No. 02 - _____

9. CONSIDER A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT TO CONDUCT A JOINT REVIEW OF QUEST AND VERIZON FRANCHISE FEES PAID AND TO COLLECT BASE DATA
 - a. Staff Report: Finance Staff
 - b. Council Discussion
 - c. Council Consideration: Resolution No. 02 - _____

10. INFORMATIONAL PUBLIC HEARING – CONSIDER A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 23 (SW O'MARA STREET)
 - a. Open Public Hearing
 - b. Staff Report: Engineering Staff
 - c. Public Testimony
 - d. Council Discussion
 - e. Staff Recommendation
 - f. Close Public Hearing
 - g. Council Consideration: Resolution No. 02 - _____

11. INFORMATIONAL PUBLIC HEARING - CONSIDER A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 25 (SW CARMEN STREET)
 - a. Open Public Hearing
 - b. Staff Report: Engineering Staff
 - c. Public Testimony
 - d. Council Discussion
 - e. Staff Recommendation
 - f. Close Public Hearing
 - g. Council Consideration: Resolution No. 02 - _____

12. COUNCIL LIAISON REPORTS

13. NON AGENDA ITEMS

14. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

15. ADJOURNMENT

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AGENDA ITEM # _____
FOR AGENDA OF December 10, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Presentation to Tyler Holmgreen

PREPARED BY: Dennis Koellermeier DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Present a certificate of completion to Tyler Holmgreen, Boy Scout, for his Eagle Scout Leadership Service Project near Derry Dell Creek and Pathfinder Trail in Tigard.

STAFF RECOMMENDATION

N/A

INFORMATION SUMMARY

In May of 2002, Tyler Holmgreen approached the City of Tigard for help in identifying an Eagle Scout Leadership Service Project. Tyler chose to design, organize and conduct a stream bank rehabilitation project along Derry Dell Creek and Pathfinder Trail. Tyler, with the help of his family and many volunteers, uncovered various areas of decay along the stream and were able to rebuild and stabilize the bank. The end result was an amazing transformation of an overgrown thicket into a lovely nature viewing area with a new cedar chip walk path, bench and birdhouses. All together, Tyler and his volunteers spent three weekends and 200 hours working at the project site, not to mention the countless hours spent on designing, planning, coordinating and meetings to prepare for the project.

In addition to recognizing Tyler's hard work, we would like to request that the City Council present Tyler with a framed certificate of completion.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character & Quality of Life – Goal #1. City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

- Certificate of Recognition
- Before and After Photos
- Area Map

FISCAL NOTES

N/A

Certificate of Recognition

presented to

Tyler Holmgreen

Boy Scout Troop No. 419

In recognition of completing your Eagle Scout project near Derry Dell
Creek and Pathfinder Trail in Tigard, Oregon.

Presented on this _____ day of _____, 2002

Jim Griffith, Mayor
City of Tigard

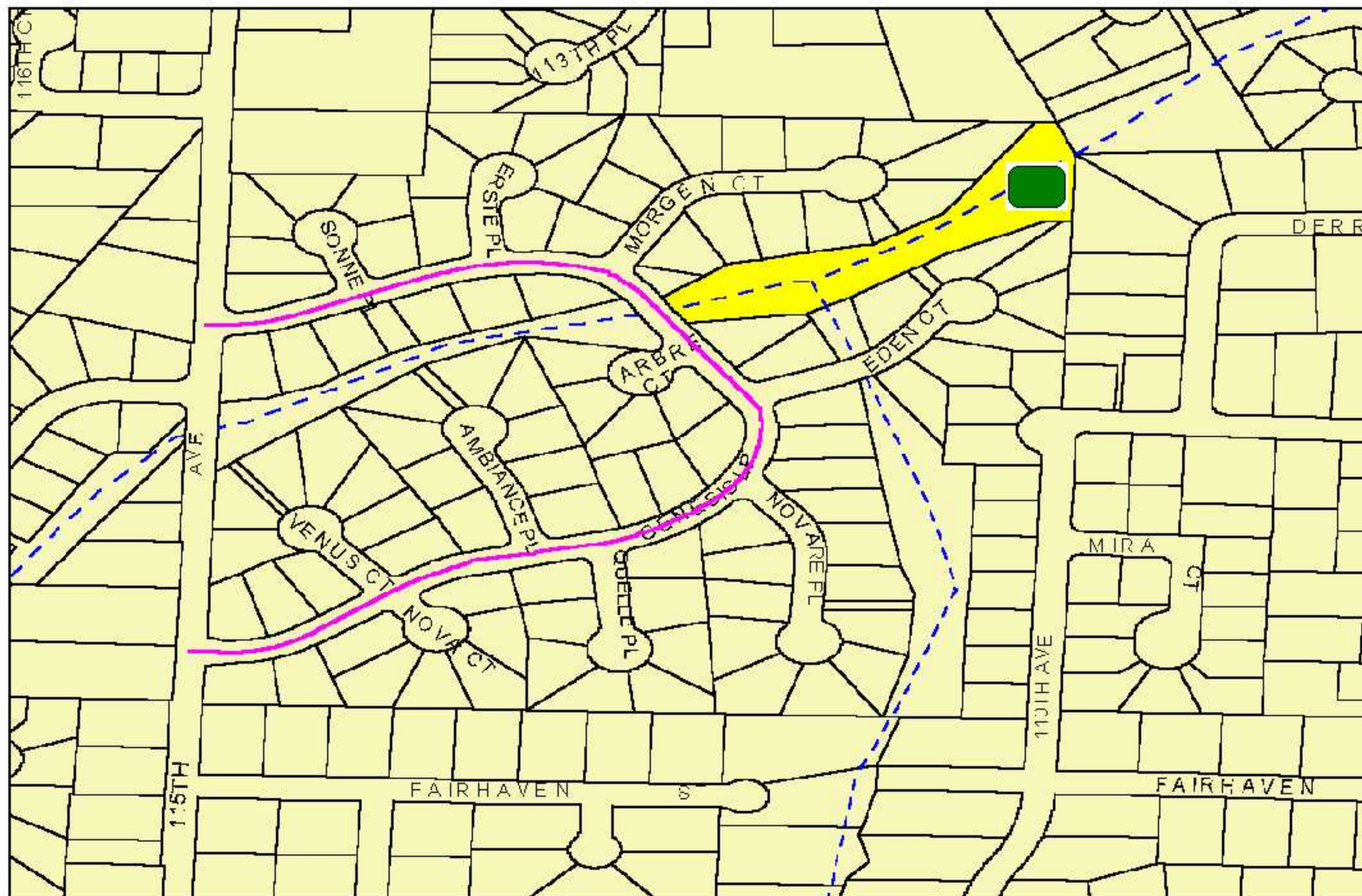


Before & During Work



After Completion

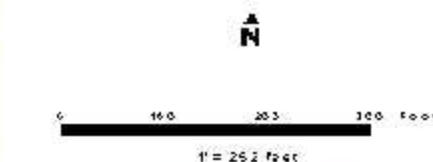




Eagle Scout's Project Site



- Cities**
- Tigard
 - Tigard
 - Tigard
 - Tigard
 - Tigard
 - Tigard
 - Tigard
 - Tigard
- Eagle Scout Project Site**



Information on this map is for general location only and should be verified with the Development Services Division.
1125 SW Main Blvd.
Tigard, OR 97223
(503) 639-4171
<http://www.ci.tigard.or.us>

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
November 12, 2002

Mayor Griffith called the meeting to order at 6:30 p.m.

Council Present: Mayor Griffith, Councilors Dirksen, Moore, and Scheckla

- STUDY SESSION

- UPDATE ON TIGARD LOCAL SERVICE TRANSIT ACTION PLAN

Community Development Director Hendryx reviewed this agenda item. Associate Planner Hajduk reviewed staff work completed to date including an explanation about the priority weighting and the program elements for the Transit Action Plan. Council members did not indicate that they had concerns about the rating methodology. The transit action plan represents a policy document and a communication tool to facilitate discussions with Tri Met for better service to the Tigard area. Council consensus was for staff to proceed; staff will present the Transit Action Plan at the December 10 Council meeting for formal adoption.

- ADMINISTRATIVE ITEMS

- The Council annual goal setting meeting was set for January 6, 1 p.m.
 - Councilor-elect Sherwood and Councilor-Elect Wilson will meet with City Manager Monahan for an orientation meeting on November 25, at 4 p.m.
 - City Manager Monahan reported the following League of Oregon City Awards, Nomination, and Elections:
 - Finance Director Prosser was nominated for the Kehrli Award.
 - City of Tigard was the recipient of the Good Governance Award (large City category).
 - City of Tigard was the recipient of the Gold Medal Safety Award from the City County Insurance Services.
 - Mayor Griffith was elected to the board of Directors for the Oregon Mayor's Association.
- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 7:05 p.m. to discuss a real estate transaction and current & pending litigation under ORS 192.660(1e and h).

Executive Session concluded at 7:30 p.m.

- 1.1 Mayor Griffith called the Council and Local Contract Review Board meeting to order at 7:35 p.m.
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items:

City Manager Monahan announced the results and gave information on the following nominations, awards, and election that occurred at the recent League of Oregon Cities Conference:

- Nomination of Craig Prosser for the Kehrli Award
- City County Insurance Services Safety Award – Gold Medal
- City of Tigard Recipient of Good Governance Award – Large City Category
- Oregon Mayors Association – Mayor Griffith elected to the Board of Directors

2. VISITOR'S AGENDA

- Tigard High School Student Envoy – Paul Brems updated Council on activities at Tigard High School; he distributed a November calendar of events.
- Marcy Newitt (stating this was the name she chose to use; she gave no address) recounted her perception of issues in the community and relating to the Tigard Police Department. No follow up action was requested by the Council.

3. CONSENT AGENDA: Motion by Councilor Moore, seconded by Councilor Dirksen, to adopt the Consent Agenda as follows:

- 3.1 Approve Council Minutes for October 7 and 15, 2002
- 3.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
 - c. Council Goal Update
- 3.3 Adopt a Revision to the City Wide Personnel Policies Pertaining to Education and Travel and Travel Authorization and Reimbursement – Resolution No. 02 - 64
- 3.4 Appoint Tricia Bull to the Tree Board – Resolution No. 02 - 65
- 3.5 Transfer Appropriations within the Facility Fund to Pay for Space Planning Services for City Hall and the Old City Library and Amending the FY 2002-03 Capital Improvement Plan – Resolution No. 02 - 66
- 3.6 Local Contract Review Board
 - a. Award a Contract for Architectural Services for City Facility Remodel

The motion was approved by a unanimous vote of Council present:

- | | | |
|----------------------|---|-----|
| • Mayor Griffith | - | Yes |
| • Councilor Dirksen | - | Yes |
| • Councilor Moore | - | Yes |
| • Councilor Scheckla | - | Yes |

4. BROADWAY ROSE PRESENTATION

Sharon Maroney of Broadway Rose Theatre presented a "Star" to the City of Tigard and to the Ramis, Crew & Corrigan law firm to thank the City and the law firm for their support of Broadway Rose. She announced the summer schedule and a holiday production, "G.I. Holiday Jukebox."

5. UPDATE ON THE NEW TIGARD LIBRARY

Library Director Barnes updated Council regarding recent events and accomplishments related to the new library:

- October — public involvement efforts for the design phase, including a community meeting on October 16 where 40 people attended to meet with the architects and to look at several proposed shapes for the new library and the placement of the building on the site.
- Architects will consider all the public comments received in the past two months as they proceed with the designs.

A second community meeting is scheduled on Wednesday, December 11, 7 p.m. in the Town Hall.

6. COMMUNITY DEVELOPMENT DEPARTMENT OVERVIEW

Community Development Director Hendryx conducted a presentation of the activities of the Community Development Department. Highlights of his presentation are contained on PowerPoint slides and copies of these slides are on file in the City Recorder's office.

7. UPDATE ON THE INDONESIAN RESOURCE CITIES PROGRAM

Risk Manager Loreen Mills, Public Works Director Ed Wegner, Accounting Manager Tim Imdieke and Senior Accountant Roger Dawes presented an update on their recent visit to Samarinda, Indonesia, and their participation in the International Resource Cities Program through ICMA, which is funded by the USAID Program. Highlights of their presentation are contained in a PowerPoint slide presentation, which is on file in the City Recorder's office.

8. DISCUSSION OF WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES (WCCLS) OPERATING LEVY ELECTION RESULTS

Library Director Barnes reported that the WCCLS operating levy failed at the November election. This will mean a decrease in operational funding provided by Washington County to Tigard and all libraries throughout the County. Also it is likely that adjustment will be needed in the 2003/04 fiscal year for services and programs. City and WCCLS staff members will analyze and prioritize current services and programs and then recommend reductions in services and programs at the local and county levels.

City Recorder's Note: Agenda Item Nos. 10 and 11 were considered before Agenda No. 9.

9. CONSIDER AN ORDINANCE TO AMEND SECTION 9 OF THE TIGARD MUNICIPAL CODE (TMC) PERTAINING TO TREES ON CITY PROPERTY AND CONSIDER A RESOLUTION ADOPTING THE TIGARD TREE MANUAL

Parks Manager Plaza presented the staff report. Council reviewed the amendment to Section 9 of the TMC at its October 15, 2002 workshop meeting. The amendment to Section 9 of the TMC provides direction to the City regarding the planting, maintenance, protection and removal of trees on City property. This amendment is required for the City to maintain its Tree City USA status. The proposed resolution adopts the Tree Manual, which establishes the guidelines by which the ordinance will be followed and serve as a reference for determining such things as the correct amount of tree protection, the number of trees required to replant an area or the protocol to be followed when evaluating or removing hazardous trees.

Staff recommended that the Council adopt the proposed ordinance and resolution as presented.

Motion by Councilor Dirksen, seconded by Councilor Scheckla, to adopt Ordinance No. 32-34.

ORDINANCE NO. 02-34 – AN ORDINANCE AMENDING THE TIGARD MUNICIPAL CODE BY ADOPTING A NEW CHAPTER 9.06 – TREES ON CITY PROPERTY.

The motion was approved by a unanimous vote of Council present:

- | | | |
|----------------------|---|-----|
| • Mayor Griffith | - | Yes |
| • Councilor Dirksen | - | Yes |
| • Councilor Moore | - | Yes |
| • Councilor Scheckla | - | Yes |

Motion by Councilor Dirksen, seconded by Councilor Scheckla to adopt Resolution No. 02-69.

RESOLUTION NO. 02-69 – A RESOLUTION ADOPTING THE TIGARD TREE MANUAL

The motion was approved by a unanimous vote of Council present:

- | | | |
|----------------------|---|-----|
| • Mayor Griffith | - | Yes |
| • Councilor Dirksen | - | Yes |
| • Councilor Moore | - | Yes |
| • Councilor Scheckla | - | Yes |

10. INFORMATIONAL PUBLIC HEARING – CONSIDER FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 21 (SW ERROL AND FONNER STREETS) BY ACCEPTING THE FINAL CITY ENGINEER’S REPORT
- Mayor Griffith opened the public hearing.
 - Project Engineer Greg Berry presented the staff report for the finalization of Sanitary Sewer Reimbursement District No. 21 established to install sewers in SW Errol and Fonner Streets.
 - Public testimony: None.
 - Staff recommended that the Council adopt the proposed resolution to approve the formation of Reimbursement District No. 21 as modified by the final City Engineer’s report.
 - Mayor Griffith closed the public hearing.
 - Council consideration: Motion by Councilor Moore, seconded by Councilor Scheckla, to adopt Resolution No. 02-67.

RESOLUTION NO. 02-67 – A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT NO. 21 (ERROL AND FONNER STREETS)

The motion was approved by a unanimous vote of Council present:

- | | | |
|----------------------|---|-----|
| • Mayor Griffith | - | Yes |
| • Councilor Dirksen | - | Yes |
| • Councilor Moore | - | Yes |
| • Councilor Scheckla | - | Yes |

11. INFORMATIONAL PUBLIC HEARING - CONSIDER FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 22 (SW HOWARD STREET) BY ACCEPTING THE FINAL CITY ENGINEER'S REPORT

- a. Mayor Griffith opened the public hearing.
- b. Project Engineer Greg Berry presented the staff report for the finalization of Sanitary Sewer Reimbursement District No. 22 established to install sewers in SW Howard Drive.
- c. Public testimony:
 - A resident on Howard Drive asked for clarification on the sewer reimbursement procedures in that if a property owner does not connect to the sewer until 15 years after the formation of the District, then the property owner does not have to pay for costs associated with the construction of the sewer. Connection fees would still have to be paid.

This resident also noted some problems encountered by the contractor during the Construction. Mr. Berry confirmed that extra expenses were borne by the contractor and were not added to the construction costs that would be passed along to district participants.

- d. Staff recommended that the Council adopt the proposed resolution to approve the formation of Reimbursement District No. 22 as modified by the final City Engineer's report.
- e. Mayor Griffith closed the public hearing.
- f. Council consideration: Motion by Councilor Scheckla, seconded by Councilor Moore, to adopt Resolution No. 02-68.

RESOLUTION NO. 02-68 – A RESOLUTION FINALIZING SANITARY REIMBURSEMENT DISTRICT NO. 22 (HOWARD DRIVE)

The motion was approved by a unanimous vote of Council present:

- | | | |
|---------------------|---|-----|
| • Mayor Griffith | - | Yes |
| • Councilor Dirksen | - | Yes |
| • Councilor Moore | - | Yes |

- Councilor Scheckla - Yes
- 12. COUNCIL LIAISON REPORTS: None
- 13. NON AGENDA ITEMS: None
- 14. EXECUTIVE SESSION: Not held.
- 15. ADJOURNMENT: 9:42 p.m.

Attest:

Catherine Wheatley, City Recorder

Mayor, City of Tigard

Date: _____

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COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
November 19, 2002

1. WORKSHOP MEETING

- 1.1 Mayor Griffith called the meeting to order at 6:30 p.m.
- 1.2 Council Present: Mayor Griffith, Councilors Dirksen, Moore, and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non Agenda Items:

Mayor advised he attended a recent Christmas in April event where the City of Tigard was presented a plaque in appreciation for the City's participation in Christmas in April projects.

2. JOINT MEETING WITH THE INTERGOVERNMENTAL WATER BOARD TO HEAR AN UPDATE ON THE BULL RUN REGIONAL DRINKING WATER AGENCY PHASE II REPORT

Intergovernmental Water Board (IWB) Members Present: Patrick Carroll, Jan Drangsholt, Norman Penner, Bill Scheiderich.

Public Works Director Wegner and Assistant Public Works Director Koellermeir presented the staff report, which is on file in the City Recorder's office. The Council and IWB members heard Part II of a presentation on the Bull Run Drinking Water Agency. The presentation by staff included a brief review of the update presented to the Council and IWB on October 15, 2002. The Capitalization Plan and Ownership Model were reviewed (preliminary financial information). The Regional Public Involvement Efforts were also reviewed. Highlights of the staff report are contained in a PowerPoint slide presentation, which is on file in the City Recorder's office.

The next presentation to the IWB and Council will be on January 21, 2003 to review "Comparison of Options."

3. JOINT MEETING WITH BUDGET COMMITTEE FOR REVIEW OF SOCIAL SERVICE AGENCIES PRESENTATIONS ON PROGRAMS, SERVICES, AND FUTURE FUNDING NEEDS

Citizen Members of the Budget Committee Present: Mike Benner, Irene Moszer, Sydney Sherwood.

Finance Director Prosser introduced this agenda item. Council and citizen members of the Budget Committee heard presentations from Good Neighbor Center (Sydney Sherwood), Luke-Dorf, Inc. (Lisa Shannon) and the Tigard Senior Center which is operated by Loaves and Fishes (Karen Gardener). Each of the social services agencies distributed information (on file in the City Recorder's office) to the Council and reported on the activities of their agencies and noted the populations they serve in the City of Tigard.

4. *Rescheduled: DISCUSS AND REVIEW PROPOSED INTERGOVERNMENTAL AGREEMENT WITH CLEAN WATER SERVICES

** This item was rescheduled to the Council Workshop Meeting of January 21, 2003.*

5. REVIEW DRAFT SCHEMATIC DESIGNS FOR THE NEW TIGARD LIBRARY

Library Director Barnes introduced this agenda item. Council heard a presentation from Skip Stanaway and Jon Schleuning of SRG Partnership and reviewed draft schematic designs of the building and floor plans for the new Tigard Library. The Council also viewed a model of the new library.

The next community meeting is scheduled for December 11, 7 p.m. in the Town Hall.

6. COUNCIL LIAISON REPORTS

7. NON-AGENDA ITEMS

City Manager Monahan:

- Reminded Council of the Skateboard Park Meeting on November 20, 7-9 p.m. at Fowler School;
- Noted that there is an ODOT STIP meeting tonight from 5-8 p.m. and Tigard Staff planned to attend;
- Advised that the election results have not changed and the final count should be completed by Friday, November 22;
- Reminded Council of the Youth Forum Meeting on November 20, 7:30 a.m. in the Town Hall;
- Advised that the necessary legal documents have been filed petitioning the US Supreme Court to hear the Roger's Machinery Case.

8. EXECUTIVE SESSION: Not held

9. ADJOURNMENT: 9:50 p.m.

Attest:

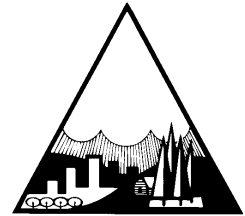
Catherine Wheatley, City Recorder

Mayor, City of Tigard

Date: _____

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MEMORANDUM
CITY OF TIGARD, OREGON



TO: Mayor and Council
FROM: Greer Gaston
DATE: November 27, 2002
SUBJECT: Three-Month Council Calendar

Regularly scheduled Council Meetings are marked with an asterisk (*).

December		
10 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session
17 *	Tues	Council Workshop Meeting – 6:30 p.m.
24 *	Tues	Meeting Cancelled
25 *	Wed	Christmas Holiday – City Offices Closed

January		
1	Wed	New Year' Day – City Offices Closed
6	Mon	Special Meeting – Goal Setting - 1 p.m. Red Rock Creek Conference Room
14 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session
20	Mon	Martin Luther King, Jr. Day – City Offices Closed
21 *	Tues	Council Workshop Meeting – 6:30 p.m.
28 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session

February		
11 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session
17	Mon	President's Day – City Offices Closed
18 *	Tues	Council Workshop Meeting – 6:30 p.m.
25 *	Tues	Council Meeting – 6:30 p.m. Business Meeting with Study Session

Tigard City Council
Tentative Agenda

[illegible]

Agenda Item No. 4.2.b
Meeting of December 10, 2003

Tigard City Council
Tentative Agenda

1/14/03 - Business TV -Greeter	1/21/03 - Workshop	1/28/03 - Business TV -Greeter
Due: 12/31/02 @ 5 p.m.	Due: 1/7/03 @ 5 p.m.	Due: 1/14/03 @ 5 p.m.
Study Session	Workshop Topics	Study Session
Distribute Council Groundrules - 15 min - Cathy	Update on Long-Term Water Supply - Jt Mtg with IWB - Ed/Dennis - 45 min	
	Jt Mtg w Budget Comm (SI)- BLUE SHEET	
	Social Service Agency Presentations w/ Budget Committee and Council - Craig - 1 hour	Computercop Software - Ron - 15 min
Consent Agenda	* Christmas in April	Consent Agenda
	* American Red Cross	Council Goal Update (SI)
	* Learning Adventures	Approve IGA w/ Clean Water Services - Ed
	Discuss & Review Proposed IGA w/ Clean Water Services - Ed -30 min	LCRB - City Hall HVAC Replacement - John
	CD Long-range Planning Update & Prioritization :	
	-Downtown	
	-Washington Square	
Business Meeting	-Urban Reserve (Bull Mt.)	Business Meeting
VA - Student Envoy	-Transportation	Oregon Accreditation Alliance Recognition - Ron - 10 min. BLUE SHEET
State of the City	Barbara/Jim 40 min	Council Goal Adoption - Bill - 10 min.
Executive Summary		Affordable Housing Fee Subsidy Presentations - Duane - 30 min
Oaths of Office		IGA's - Ron - BLUE SHEETS
Selection of Council President		
2002 Annual Vision Report - Loreen/Liz - 10 min		
Council Reception		
Council Photos		
	SI = standing item	
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AGENDA ITEM # _____
FOR AGENDA OF December 10, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Receive and File: Canvass of Votes for Mayor and Two City Councilor Positions
from the November 5, 2002 Election

PREPARED BY: Greer Gaston DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Receive and File: Official Election Results for the November 5, 2002, election.

STAFF RECOMMENDATION

Receive and file the Summary Report and Official Election Statements prepared by Washington County Elections Division regarding the Mayor and two City Councilor positions that were on the November 5, 2002, ballot.

INFORMATION SUMMARY

Each time the City Recorder canvasses the votes as required by the Washington County Elections Division, a copy is filed with the City Council at a Council meeting in order to officially "receive and file" the information.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

- Copy of notice advising the Deputy City Recorder canvassed the votes and concurred with the results.
- Summary Report for the November 5, 2002, General Election
- Official Election Statement for Tigard City Mayor
- Official Election Statement for Tigard City Council

FISCAL NOTES

The City is not charged for expenses associated with a general election (ORS 254.046).

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WASHINGTON COUNTY OREGON

November 22, 2002

City Recorder
Tigard City
13125 Sw Hall Blvd
Tigard Or 97223

RECEIVED C.O.T.

NOV 27 2002

Administration

Enclosed you will find a copy of the Abstract of Votes for Tigard City Mayor, and Council relating to the election held on November 5, 2002. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
3700 SW Murray Blvd. Suite 101
Beaverton OR 97005

Thank you very much.

Sincerely,

Ginny Kingsley
Elections Manager

GK/jd



I have canvassed the votes for Tigard City Mayor, And Council, relating to the election on November 5, 2002. By signing this canvass letter, I concur with the final results.

AUTHORIZING SIGNATURE

12-2-02

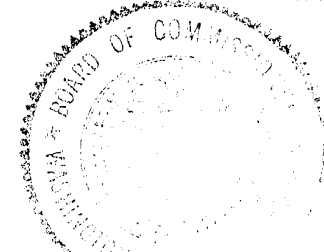
DATE

Greer A. Gaston, Deputy City Recorder

GENERAL ELECTION 2002
2002/11/05
SUMMARY REPORT

Date 11/22/2002
Time 09:04:39

PORTLAND CITY COMM P2 POSITION 2 (No. to vote for 1)	(#/PCT 5) (#/RPT 5) (%/RP 100.0)	SHERWOOD CITY MAYOR (No. to vote for 1)	(#/PCT 2) (#/RPT 2) (%/RP 100.0)	TUALATIN CITY MAYOR (No. to vote for 1)	(#/PCT 6) (#/RPT 6) (%/RP 100.0)	SOIL AND WATER DIR Z-3 (No. to vote for 1)	(#/PCT 154) (#/RPT 154) (%/RP 100.0)
ERIK STEN	199 100.0	MARK COTTLE	2568 100.0	LOU OGDEN	3619 100.0	STEVEN HUFFMAN	61686 100.0
Blank voted (ballots)	238 54.4	Blank voted (ballots)	2354 47.8	Blank voted (ballots)	2907 44.5	Blank voted (ballots)	93322 60.2
Over voted (ballots)	0 0.0	Over voted (ballots)	0 0.0	Over voted (ballots)	0 0.0	Over voted (ballots)	0 0.0
PORTLAND CITY COMM P3 POSITION 3 (No. to vote for 1)	(#/PCT 5) (#/RPT 5) (%/RP 100.0)	SHERWOOD CITY COUNCIL 3 (4YR), 1(2YR) (No. to vote for 4)	(#/PCT 2) (#/RPT 2) (%/RP 100.0)	TUALATIN CITY COUNCIL P1 POSITION 1 (No. to vote for 1)	(#/PCT 6) (#/RPT 6) (%/RP 100.0)	SOIL AND WATER DIR Z-4 (No. to vote for 1)	(#/PCT 154) (#/RPT 154) (%/RP 100.0)
DAN SALTZMAN	195 100.0	DAVE GRANT	2570 22.8	GARY RUSYNYK	1645 42.2	JOHN A MCDONALD	61364 100.0
Blank voted (ballots)	242 55.3	JAMES MASON	1773 15.7	JAMES (JAY) O HARRIS	2247 57.7	Blank voted (ballots)	93644 60.4
Over voted (ballots)	0 0.0	LEE WEISLOGEL	2216 19.6	Blank voted (ballots)	2617 40.1	Over voted (ballots)	0 0.0
		DENNIS DURRELL	2427 21.5	Over voted (ballots)	17 0.2		
		DAVE HEIRONIMUS	2264 20.1				
PORTLAND CITY COMM P4 POSITION 4 (No. to vote for 1)	(#/PCT 5) (#/RPT 5) (%/RP 100.0)	Blank voted (ballots)	1445 29.3	TUALATIN CITY COUNCIL P3 POSITION 3 (No. to vote for 1)	(#/PCT 6) (#/RPT 6) (%/RP 100.0)	SOIL AND WATER DIR Z-5 (No. to vote for 1)	(#/PCT 154) (#/RPT 154) (%/RP 100.0)
RANDY LEONARD	182 57.5	Over voted (ballots)	15 0.3	CHRIS BERGSTROM	3388 100.0	DANIEL J LOGAN	60624 100.0
SERENA CRUZ	134 42.4			Blank voted (ballots)	3138 48.0	Blank voted (ballots)	94384 60.8
Blank voted (ballots)	118 27.0	(No. to vote for 1)	(%/RP 100.0)	Over voted (ballots)	0 0.0	Over voted (ballots)	0 0.0
Over voted (ballots)	3 0.6	JIM GRIFFITH	8369 100.0				
		Blank voted (ballots)	7094 45.8	TUALATIN CITY COUNCIL P5 POSITION 5 (No. to vote for 1)	(#/PCT 6) (#/RPT 6) (%/RP 100.0)	SOIL AND WATER DIR AT-L AT LARGE (No. to vote for 1)	(#/PCT 154) (#/RPT 154) (%/RP 100.0)
PORTLAND CITY AUDITOR (No. to vote for 1)	(#/PCT 5) (#/RPT 5) (%/RP 100.0)	Over voted (ballots)	0 0.0	MICHAEL MILLS	1539 40.3	GEORGE E MARSH	26290 38.0
GARY BLACKMER	188 100.0	TIGARD CITY COUNCIL VOTE FOR 2 (No. to vote for 2)	(#/PCT 10) (#/RPT 10) (%/RP 100.0)	CHRIS BARHYTE	2276 59.6	CRAIG BURNHAM	42846 61.9
Blank voted (ballots)	249 56.9	MARK F MAHON	4298 28.0	Blank voted (ballots)	2704 41.4	Blank voted (ballots)	85170 54.9
Over voted (ballots)	0 0.0	NICK WILSON	5426 35.3	Over voted (ballots)	7 0.1	Over voted (ballots)	702 0.4
		SYDNEY L SHERWOOD	5625 36.6				
RIVERGROVE CITY COUNCIL 2(4YR), 1(2YR) (No. to vote for 3)	(#/PCT 1) (#/RPT 1) (%/RP 100.0)	Blank voted (ballots)	5776 37.3	WILSONVILLE CITY COUNCIL VOTE FOR 2 (No. to vote for 2)	(#/PCT 1) (#/RPT 1) (%/RP 100.0)	METRO COUNCIL PRESIDENT (No. to vote for 1)	(#/PCT 139) (#/RPT 139) (%/RP 100.0)
Blank voted (ballots)	2 12.5	Over voted (ballots)	26 0.1	ALAN KIRK	0 0.0	DAVID BRAGDON	47955 52.0
Over voted (ballots)	0 0.0			SANDRA SCOTT TABB	0 0.0	KATE SCHIELE	44230 47.9
				Blank voted (ballots)	2 100.0	Blank voted (ballots)	49096 34.6
				Over voted (ballots)	0 0.0	Over voted (ballots)	294 0.2



**** OFFICIAL STATEMENT OF THE GENERAL ELECTION ON NOVEMBER 5, 2002****
TIGARD CITY MAYOR

Page Number 77.060.001

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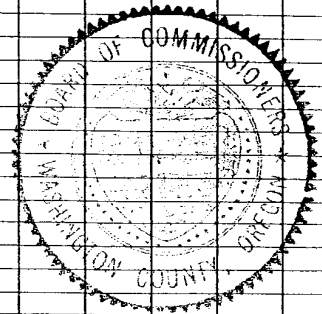
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400 WASHINGTON SQUARE	2262	1498	66.2%	749
402 TIGARD/WALNUT ST	657	463	70.4%	232
403 TIGARD/GAARDE ST	3291	2364	71.8%	1223
404 FOWLER SCHOOL	2265	1526	67.3%	799
405 TWALITY SCHOOL	3372	2394	70.9%	1312
406 TIGARD CITY HALL	2839	1783	62.8%	980
408 SUMMERFIELD	4108	3150	76.6%	1870
409 SUMMERLAKE-WEST	1974	1281	64.8%	672
416 SUMMERLAKE-EAST	1525	1004	65.8%	532
454 BULL MT SPLIT	2	0	0.0%	0

**** T O T A L S **** 22295 15463 69.3% 8369



Page Number 78.061.001

AGENDA ITEM # _____
FOR AGENDA OF December 10, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Consideration of MACC Intergovernmental Agreement (IGA)

PREPARED BY: Elizabeth Ann Newton DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the City Council approve the proposed MACC IGA as recommended by the MACC Board? In order for the IGA to be in effect, it must be approved without changes, by each of the fourteen MACC member jurisdictions.

STAFF RECOMMENDATION

Adopt the attached resolution approving the proposed MACC IGA as recommended by the MACC Board.

INFORMATION SUMMARY

The current IGA was adopted by the original MACC member jurisdictions in April 1980 when MACC was first formed under Oregon Revised Statute (ORS) 190. MACC was formed to enable its members to grant a joint cable television franchise agreement to serve all of the member jurisdictions. AT&T Comcast (AT&T) is the current parent company holding the franchise. Since 1980, the IGA has been amended several times, most recently in December 1999.

As part of its strategic plan in 1999, MACC established a Governance Committee to review the current IGA and propose updates. After reviewing the proposed revisions at several meetings, the full Commission approved the revised IGA on September 13, 2002 and recommended approval by the member jurisdictions. The changes primarily clarify existing provisions of the IGA and expand some definitions. The proposed changes are summarized below:

- Section 1 – “General Purposes of Agreement” replaces the term “cable communications with the broader term “communications and information services”.
- Section 2 – “Definitions” have been updated and expanded.
- Section 4 – “Governance, Voting, and Meetings” clearly specifies voting requirements.
- Section 5 – “Financial Responsibilities” allows the commission to establish rules for purchasing, finance, and administration.
- Section 6 – “Duration of Agreement, Membership, Contracts for Services, Withdrawal, an Termination” describes the process for jurisdictions to join or withdraw from MACC.
- Exhibit “A” – Franchise Fee Allocations explains the allocation of franchise fee revenues.

OTHER ALTERNATIVES CONSIDERED

Delay action until a later date.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character and Quality of Life Goal #1), Strategy #1) “Improve communication about all aspects of the City’s business.”

ATTACHMENT LIST

Resolution with Exhibits

- “A” – Revised IGA (with Exhibit “A”)
- “B” – MACC Resolution recommending adoption of IGA

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON

RESOLUTION NO. 02- _____

A RESOLUTION OF THE CITY OF TIGARD APPROVING A REVISED
INTERGOVERNMENTAL AGREEMENT FOR THE METROPOLITAN AREA
COMMUNICATIONS COMMISSION (MACC).

WHEREAS, the Metropolitan Area Communications Commission, hereinafter “MACC”, is an intergovernmental commission formed in April 1980 under ORS Chapter 190, with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, and Tualatin as current members; and

WHEREAS, the City of Tigard is a member of MACC; and

WHEREAS, this Intergovernmental Agreement has been amended many times since 1980; and

WHEREAS, in 2000 the Commission determined that the Agreement needed review due to the passage of time and changes in governance and technology over the 20-year history of the Commission, and thereafter the Commission appointed a Governance Committee to review the Agreement and to recommend any needed revisions; and

WHEREAS, the duly appointed Governance Committee met over a period of more than a year and presented a recommendation to the full Commission that a new Intergovernmental Agreement be approved and submitted to the MACC member jurisdictions; and

WHEREAS, the Governance Committee also recommended the adoption of new bylaws following approval of the new Agreement, and those bylaws were approved by the Commission by Resolution 2002-09 on September 13, 2002; and

WHEREAS, the Commission at its September 13, 2002, meeting adopted Resolution 2002-08, attached hereto as Exhibit B, which approves the new Intergovernmental Agreement, and recommends that each of the member jurisdictions approve the Agreement by duly authorized enactment of each jurisdiction’s governing body.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City hereby approves the new Intergovernmental Agreement, attached hereto as Exhibit A, and incorporated herein by this reference, subject to all the terms and conditions contained therein.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2002.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

ADMRESOLUTIONS\IMACC NEW IGA.DOC

**INTERGOVERNMENTAL AGREEMENT
METROPOLITAN AREA COMMUNICATIONS COMMISSION**

THIS AGREEMENT is made and entered into as of the below set forth date by and among the undersigned cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, and Tualatin, all municipal corporations of the State of Oregon, and Washington County, a county formed under the laws of the State of Oregon, (all parties hereafter referred to as “member jurisdictions”). This Agreement is made pursuant to ORS 190.003 to ORS 190.110, the general laws and constitution of the State of Oregon, and the laws and charters of the member units of local government.

Recitals:

- The Metropolitan Area Communications Commission (hereinafter, “MACC”) was formed in April 1980 to provide a common means for area local governments to jointly franchise for cable television services. The original member jurisdictions were: Banks, Beaverton, Cornelius, Forest Grove, Hillsboro, King City, Lake Oswego, Milwaukie, Sherwood, Tigard, Tualatin, and Washington County.
- In 1981, Durham joined MACC, and Milwaukie left to pursue franchising separately. Since 1981, the cities of Rivergrove (1983), North Plains (1984), Gaston (1989), and Wilsonville (1984) joined MACC. Sherwood and Wilsonville withdrew in 1999.
- In February 1981, the Commission issued a Request for Proposals seeking offers from cable television companies to jointly serve the member jurisdictions.
- In February 1982, Storer-Metro Communications was granted a franchise to serve the member jurisdictions.
- Between 1980 and 1999 a number of amendments were made to the original Intergovernmental Agreement to reflect the increased responsibilities of the Commission and other changes in the organization.
- In 1985, ownership of the franchise was transferred from Storer-Metro to Willamette Cable TV. Since then, the ownership and/or control of the franchise has been transferred twice, from Willamette to Columbia International in 1988, and to TCI Cablevision of Oregon in 1995. Control of TCI was transferred to AT&T Corp. in 1999. The franchise was renewed on February 1, 1999.
- In [June](#) 2000, the Commission appointed a Governance Committee to review the original Intergovernmental Agreement (as amended) and to recommend revisions.
- [AT&T Corp. received consent from MACC to merge with Comcast to form a new parent of TCI, AT&T Comcast Corporation.](#)
- On [September 13](#), 2002, the Commission recommended that its member jurisdictions approve the new Intergovernmental Agreement as contained herein.

Section 1. General Purposes of Agreement. To ratify the formation of MACC in 1980, to recognize its continuous existence as a joint commission of representatives from member jurisdictions, and to restate the original Agreement, pursuant to the authority set forth in ORS 190.003 through ORS 190.110 as well as local charters, ordinances and applicable laws. This Agreement is designed to fulfill the following objectives:

Pool the strengths of member jurisdictions in franchising communications and information services to best serve the public interest and make best use of the limited Public Rights of Way.

- A. Serve the public interest by encouraging competition in all areas of communications and information service technologies.
- C. Represent the views of consumers of communications services and advocate for the highest quality customer services.
- D. Provide for negotiation, administration, and regulation of communications and information services franchises and agreements for the member jurisdictions on a common, or individual, jurisdictional basis.
- E. Provide a coordinated and uniform response in working with the communications industry on franchise negotiation and administration.
- F. Speak as “one voice” to represent its members on issues of communications and information services.
- G. Provide a common forum for the joint study and discussion of communications issues and problems, and to develop practical solutions and alternatives.
- H. Provide an organization that remains flexible to meet the challenges of the changing communications and information services environment.

Section 2. Definitions.

Commission. The Board of Commissioners serving as the governing body of MACC.

Communication and Information Services. Cable television, telephony, broadband, including video, voice, or data transported between fixed points using facilities housed on, under, or over Public Rights of Way and other public property regardless of the technology employed.

Designated Access Provider. An entity selected by the Commission to provide Public, Education, or Governmental (PEG) Access services.

Franchise. A non-exclusive and revocable agreement for the construction and operation of a communication system using the Public Rights of Way. MACC is authorized to administer these agreements on behalf of its members.

Franchise Fee Revenue. Fees and costs or other fair and reasonable compensation charged for use of the Public Rights of Way, separate from, and in addition to, any and all federal, state, local, or member jurisdiction charges as may be levied, imposed, or due from a communications or information service provider, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of such services.

Grantee. The person to which a franchise is granted by member jurisdiction(s).

MACC. The organization, commissioners, officers, employees, and agents of the Metropolitan Area Communications Commission.

PEG Access. Public, Educational, and Governmental Access, collectively, for noncommercial use by institutions, organizations, groups and individuals in the MACC franchise community to acquire, create, receive, and distribute information via communications facilities.

Person. An individual, corporation, company, association, joint stock company or association, firm, partnership, or limited liability company authorized to do business in the State of Oregon.

Personal Services. Work to be performed by a provider or providers to fulfill MACC operational and business needs and objectives.

Public Rights of Way. Includes, but is not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, public utility easements, including the subsurface under and air space over these areas, but does not include parks or parkland. This definition applies only to the extent of the local government's right, title, interest, or authority to grant a franchise to occupy and use such areas for communications facilities.

Section 3. Commission Creation and Powers. MACC is hereby created as a joint commission to carry out the specific purposes set forth in this Agreement. In carrying out the purposes of this Agreement, the Commission is vested with all the powers, rights, and duties relating to those functions and activities that are vested by law in each separate unit of local government, its officers and agencies, subject to specific limitations, if any, contained in this Agreement. "Law" as referred to in this section shall mean and include, federal laws and Constitution, Oregon laws and Constitution, as well as the charters, ordinances, and other regulations of each unit of local government. The Commission shall establish a set of Bylaws that will govern its operations.

Section 4. Governance, Voting, and Meetings

A. The Governing Body. A Board of Commissioners shall govern MACC. Each member jurisdiction shall select one representative to serve as its Commissioner. In addition, member jurisdictions are encouraged to appoint one alternative representative who may attend all meetings and act in the absence of the primary representative. Each member jurisdiction shall have one vote on any decision made by the Commission.

- B. Meetings and Voting. Commission meetings shall be conducted pursuant to the Oregon Public Meetings Law (ORS 192.610-192.710). Requirements for Commission meetings, quorums, and voting are contained in the Bylaws.
- C. Term of Office and Succession. Commission members shall be appointed to serve until their successors are appointed and assume their responsibilities, but shall serve at the pleasure of the governing body of the member jurisdiction appointing them. Member jurisdictions are responsible for filling their Commissioner positions. Officers of the Commission shall be specified in the Bylaws.
- D. Actions Requiring Unanimous Consent of All Member Jurisdictions. The following actions require the unanimous consent of all member jurisdictions:
- 1) Amendments to this Agreement;
 - 2) Adding new member jurisdictions to MACC;
 - 3) Withdrawal of a member jurisdiction from MACC;
 - 4) Abolishing MACC as an organization.
- E. Actions Requiring the Unanimous Consent of Affected Member Jurisdictions. Some decisions of the Commission will not affect all members. The following actions require the unanimous consent of affected member jurisdictions:
- 1) Granting, amending, renewing, or transferring franchises of affected member jurisdictions;
 - 2) Allocation of franchise fee revenues in accordance with Exhibits.
- F. In addition to other limitations that may be contained in this Agreement, no decision concerning the below listed or like subjects shall be made by the Board, unless a quorum is present, and a majority of those present and voting agree on a matter before it:
- 1) Any decision creating a monetary expense to a member jurisdiction;
 - 2) Any decision that would lead to the selection of a person to provide, by franchise or otherwise, an information or communication system for a particular member jurisdiction;
 - 3) Any decision that would provide a method for apportioning any revenues received by the Commission among the member jurisdictions of the Agreement; and
 - 4) Any decision concerning the adoption or supplementation of a budget.
- G. All other actions of the Commission and not specified herein are governed by the Bylaws, to the extent applicable.

Section 5. Financial Responsibilities.

- A. The Commission shall comply with applicable Oregon state and local laws as to budget preparation, expenditures and audit of its books and records. All books and records shall be open to inspection by any member unit of local government or its designate. The

public will have access to these records in accordance with the Oregon Public Records Law (ORS 192.005 to 192.170).

- B. The Commission has the discretion to establish purchasing rules, personnel policies, and administrative procedures, in addition to the Bylaws, to conduct MACC's daily business. This includes the ability to contract for services, sign leases, sign other agreements, and employ professional staff.
- C. Allocation of franchise fee revenues shall be in accordance with Exhibits.

Section 6. Duration of Agreement, Membership, Contracts for Services, Withdrawal, and Termination.

- A. Duration. The duration of this Agreement is perpetual and the Commission shall continue from year to year, subject to Subsection E.
- B. New Membership. The Commission may consider requests from jurisdictions to become members of MACC. An affirmative recommendation from the Commission and unanimous consent of all member jurisdictions is required.

The Commission will consider the following criteria in evaluating a request for MACC membership:

- 1) Common service provider;
- 2) Similarity of franchise agreement;
- 3) Geographic proximity to current members;
- 4) Level of services requested;
- 5) Current members should not incur any costs and there should be full cost recovery;
- 6) Potential benefits of new member to MACC; and
- 7) Willingness to support PEG Access allocation as required by a franchise.

- C. Contracts for Services. The Commission may also consider requests from jurisdictions to contract with MACC for services.

The Commission will consider the following criteria in evaluating whether to approve a request for a MACC service contract:

- 1) Common service provider;
- 2) Similarity of franchise agreement;
- 3) Geographic proximity to current members;
- 4) Level of services requested;
- 5) Current members should not incur any costs and there should be full cost recovery; and
- 6) Potential benefits of contracting jurisdiction to MACC.

- D. Withdrawal from Membership. Member jurisdictions may not withdraw from membership in MACC without the unanimous consent of the remaining members, per Section 4.D. The Commission will require member jurisdictions wishing to withdraw from membership to provide a minimum of one hundred and eighty (180) days written

notice to the Commission. Such notice will state the reasons for requested withdrawal and the date requested for the withdrawal to become effective. Withdrawals without consent may subject the withdrawing member to civil penalties, and other remedies, from the Commission and the remaining members.

Generally, the Commission will not consent to withdrawals occurring during the following periods:

- 1) During the last eighteen (18) month period of any common franchise agreement to which they are a party;
- 2) Within the first eighteen (18) month period following the renewal of any common franchise agreement to which they are a party.

Any net cash due and owing to the withdrawing member shall be paid within thirty (30) days of the effective date of the withdrawal. Net cash is defined as the pro-rata share of franchise fee revenues accrued, or which have accrued, as of the effective date of the withdrawal, minus the present value of any MACC capital asset(s) held on the premises of and proposed to be retained by the withdrawing member (e.g. built-in television equipment funded by MACC grant). MACC capital assets, other than those held on the premises of the withdrawing jurisdiction, and which are owned and/or directly used for MACC operations, are excluded from consideration for this calculation. In applying this provision, the Commission shall consider the value of the capital asset(s) held by the jurisdiction compared to the amount due to the jurisdiction for settlement before approval of the withdrawal.

- E. Termination of Commission. The Commission may be terminated by mutual agreement of all of the parties, subject to contractual obligations in existence at said time. As part of this process, the Commission shall divide MACC's remaining prorated funds and assets among the remaining parties after payment of all debts.

Section 7. General Terms.

- A. Severability. The terms of this Agreement are severable and a determination by an appropriate body having jurisdiction over the subject matter of this Agreement that results in the invalidity of any part shall not affect the remainder of the Agreement.
- B. Interpretation. The terms and provisions of this Agreement shall be liberally construed in accordance with the general purposes of this Agreement.
- C. Effective Date. This Agreement shall become effective upon acceptance by all the MACC member jurisdictions of this Agreement.
- D. Amendments. Amendments to this Agreement will be recommended by the Commission to member jurisdictions in accordance with the provisions of Section 4, subsection D. These shall become effective upon approval of member jurisdictions, as certified by the Commission or MACC.

E. Effect of this Agreement. This 2002 Agreement ratifies the April, 1980, Agreement by which MACC was formed, and recognizes MACC's continuous existence since its formation. It replaces and supersedes the 1980 Agreement and all prior amendments and addenda thereto. The separate Agreement between MACC and Washington County dated October 1, 1996, as amended, remains in effect and is not affected by this Agreement.

ATTEST

Effective on the date shown below, based on signatures by the appropriate officers duly authorized to execute this Agreement on behalf of each governing body of the named jurisdictions of local government.

Bruce Crest, Administrator

Date of Original Agreement: April, 1980

Date of This Agreement: _____ (after approval by all member jurisdictions)

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Exhibit A – TCI (AT&T Comcast) Franchise Fee Allocation

This Exhibit affects the Franchise Fee revenues from the Franchise with TCI, whose parent is AT&T Comcast), or its successors.

These franchise fees are attributable to member jurisdictions. Member jurisdictions hereby make and continue allocations of these, or other, revenues for the operation of MACC for franchise administration and regulation, and for PEG Access. These allocations, specified below, cannot be increased without the unanimous consent of all member jurisdictions.

1. Allocation of Franchise Fee Revenues for MACC Administration

- a. Member jurisdictions will contribute a maximum allocation of twenty percent (20%) of franchise fee revenues collected for support of MACC administration. The Commission may decide to receive less than this allocation for these purposes.
- b. The Commission is authorized, as it deems appropriate, to enter into professional services contracts to review the Grantee's financial reports, on an annual basis or otherwise. In the event that such a review results in increased franchise payments from the Grantee, the first deduction from such payments shall be for the reimbursement of the Commission's expenses incurred under the contract for the review. The remainder of such increase shall be distributed in accordance with the most recent quarterly distribution.

2. Allocation of Franchise Fee Revenues for PEG Access

The Commission recommends that member jurisdictions contribute a minimum allocation of fifteen percent (15%) to MACC for the support of PEG Access.

Franchise fee allocations of affected member jurisdictions shall automatically renew for three-year periods on July 1, 2002, 2005, 2008, and 2011. However, if a jurisdiction gives written notice to MACC of their decision to reduce their PEG Access support below the minimum recommended allocation prior to the first day of January preceding the end of any of these three-year periods, the renewal of contributions from all members shall be suspended until such time as the Commission can review the matter and make a recommendation to the governing bodies of the member jurisdictions. If no member jurisdiction gives this notice, no action is required, and the allocations automatically renew.

Notwithstanding this allocation commitment, the appropriation of funds is subject to the annual process required of each jurisdiction pursuant to local budget law.

If a jurisdiction reduces its allocation commitment to a level below the recommended minimum, the Commission may place restrictions on the PEG Access services provided to the jurisdiction and/or its citizens.

METROPOLITAN AREA COMMUNICATIONS COMMISSION

RESOLUTION NO. 2002-08

**A RESOLUTION APPROVING A REVISED INTERGOVERNMENTAL AGREEMENT,
AND RECOMMENDING APPROVAL OF THE AGREEMENT
BY THE MACC MEMBER JURISDICTIONS**

WHEREAS, the Metropolitan Area Communications Commission, hereinafter "MACC", is an intergovernmental commission formed in April 1980 under ORS Chapter 190, with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, and Tualatin as current members; and

WHEREAS, the Commission has operated under the original intergovernmental agreement, with several amendments, since that time; and

WHEREAS, in 2000, the Commission determined that the Agreement needed review due to the passage of time and changes in governance and technology over the 20-year history of the Commission; and

WHEREAS, the Commission appointed a Governance Committee to review the Agreement, and to recommend any needed revisions; and

WHEREAS, the duly appointed Governance Committee met over a period of a year and presented a recommendation to the full Commission that a new Intergovernmental Cooperation Agreement be approved and submitted to the MACC member jurisdictions; and

WHEREAS, the Governance Committee also recommended the adoption of new bylaws following approval of the new Agreement, and those bylaws are scheduled for separate review by the Commission; and

WHEREAS, the Commission considered the Governance Committee's recommendation and agrees that this revised Intergovernmental Agreement should be approved and adopted by all member jurisdictions;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION:

Section 1. Agreement Approved.

The Commission hereby approves the new Intergovernmental Agreement, attached hereto, and incorporated herein by this reference, subject to all the terms and conditions contained therein.

Section 2. Recommendation to Member Jurisdictions.

The Commission hereby recommends that each of the member jurisdictions approve the Agreement by duly authorized enactment of each jurisdiction's governing body.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION this 13th day of September, 2002.

A handwritten signature in black ink, appearing to read "Dean Gibbs", is written over a horizontal line. A vertical line is positioned to the right of the signature.

Dean Gibbs, Chair

Attachment: Revised MACC IGA

AGENDA ITEM # _____
FOR AGENDA OF Dec. 10, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Appointment to the Budget Committee

PREPARED BY: Susan Koepping DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Appoint Tom Woodruff, current Budget Committee alternate, as a member of the Budget Committee to complete the term vacated by Sydney Sherwood upon her election to the Tigard City Council.

STAFF RECOMMENDATION

Appoint Tom Woodruff to the Budget Committee.

INFORMATION SUMMARY

The election of Sydney Sherwood to the City Council requires her to resign her current position on the Budget Committee. Tom Woodruff was appointed as the alternate to the Budget Committee on June 25, 2002 after being interviewed by the Mayor's Appointments Advisory Committee along with other Budget Committee applicants. Committee alternates receive copies of all written information provided to Committee members, are invited to any training, and are encouraged to attend Committee meetings. An alternate can be appointed to membership on the Budget Committee in the event of a mid-term resignation by a member. Mr. Woodruff would be appointed to complete the Budget Committee term vacated by Ms. Sherwood.

OTHER ALTERNATIVES CONSIDERED

Delay action on the appointment.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal: City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

1. Biographical information on Mr. Woodruff
2. Copy of Resolution 01-21 regarding the appointment of alternates to boards and committees

FISCAL NOTES

none

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-_____

A RESOLUTION OF THE TIGARD CITY COUNCIL APPOINTING TOM WOODRUFF TO THE BUDGET COMMITTEE

WHEREAS, there is an opening on the Budget Committee due to the election of Sydney Sherwood to the Tigard City Council effective January 1, 2003, and

WHEREAS, the Mayor's Advisory Committee interviewed Budget Committee candidates including Tom Woodruff on June 4, 2002, and

WHEREAS, Tom Woodruff was appointed as alternate to the Budget Committee on June 25, 2002, and

WHEREAS, Mr. Woodruff has agreed to have his name forwarded for appointment as a member of the Budget Committee

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Tom Woodruff is appointed to complete the term vacated by Sydney Sherwood effective January 1, 2003. That term expires on June 30, 2004.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2002.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Biographical information on Tom Woodruff

Tom Woodruff has lived in Tigard for 4 years and resides not far from Fowler Middle School. He has a MSW from Portland State University and has worked in the health care field for several years. Past community service activities have included serving on a school board. He was appointed to be the alternate to the Budget Committee on June 25, 2002.

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-21

A RESOLUTION OF THE TIGARD CITY COUNCIL MODIFYING THE BOARD AND COMMITTEE APPOINTMENT PROCESS TO INCLUDE APPOINTING ALTERNATES

WHEREAS, openings on boards and committees are filled after advertizing for applicants, applicants being interviewed by the Mayor's Appointments Advisory Committee and their names being submitted to the full Council for appointment, a process that takes as long as three months; and

WHEREAS, this process this works well when the end of a term is known; and

WHEREAS, when a resignation occurs midterm and is effective immediately, this process is ineffecient and leaves the board or committee without complete staffing for as long as 3 months; and


WHEREAS, 1 or 2 alternates to a specific board or committee could be selected from the pool of interviewed applicants and appointed by the Council at the same time new, full-term members are appointed.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1: When a full-term position on a board or committee is due to open, the Mayor's Appointments Advisory Committee interviews applicants and selects a candidate or candidate(s) for immediate appointment as member(s). At the same time, 1 or 2 of the interviewed applicants would be appointed as alternates.
- SECTION 2: Alternates would be appointed to terms that would end when the next full-term committee positions open.
- SECTION 3: In the event of a member's midterm resignation, an appointed alternate could be appointed to member status by the Council, and would complete the remaining portion of the term from which the member had resigned. Alternates would only fill remaining terms on the specific board or committee for which they originally were interviewed. This modification of the appointment process would be used only in the event of a midterm vacancy.
- SECTION 4: In no event may a person designated as an alternate be so designated for a period exceeding two years unless the person reapplies and is reappointed as an alternate.

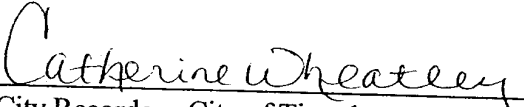
SECTION 5: An alternate who has been appointed to a remaining term may subsequently serve two full consecutive terms on the board or committee to which he or she was appointed, and would be subject the same membership requirements as any other citizen.

PASSED: This 24th day of April 2001.



Council President – City of Tigard

ATTEST:



City Recorder - City of Tigard

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AGENDA ITEM # _____
FOR AGENDA OF Dec. 10, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Appointments to the Planning Commission

PREPARED BY: Susan Koepping DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Appointments to the Planning Commission

STAFF RECOMMENDATION

Adopt the attached resolution reappointing Scot Sutton and appointing William "Bill" Haack as members of the Planning Commission, and appointing Rex Caffal as an alternate to the Planning Commission.

INFORMATION SUMMARY

On Nov. 20 and 21, 2002, the Mayor's Appointment Advisory Committee interviewed candidates for openings on the Planning Commission. Attached is a resolution which, if adopted, would approve the appointments recommended by the Mayor's Appointments Advisory Committee.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal: City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

Biographical information on the recommended appointees.

FISCAL NOTES

None

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-_____

A RESOLUTION REAPPOINTING SCOT SUTTON AND APPOINTING WILLIAM "BILL" HAACK AS MEMBERS OF THE PLANNING COMMISSION, AND APPOINTING REX CAFFALL AS AN ALTERNATE TO THE PLANNING COMMISSION.

WHEREAS, two openings exist due to the expiration of the terms of Sheldon Scolar and Scot Sutton, and

WHEREAS, whereas one alternate position also exists, and

WHEREAS, Scot Sutton has completed the term previously held by Jim Griffith and is therefore eligible for an initial 4-year term,

WHEREAS William "Bill" Haack and Rex Caffall have expressed interest in serving on the Planning Commission, and

WHEREAS, the Mayor's Appointments Advisory Committee interviewed Planning Commission applicants on November 20 and 21, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Scot Sutton and William "Bill" Haack are appointed to initial Planning Commission terms that each expire December 31, 2006.

SECTION 2: Rex Caffall is appointed as an alternate to the Planning Commission for a term that expires December 31, 2004.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2002.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Biographical information on new Planning Commission members and alternate

Scot Sutton was initially appointed to complete the term vacated by Jim Griffith when Mr. Griffith was appointed interim Mayor of Tigard. This appointment is for his first 4 – year term to the Planning Commission. Scot is a practicing architect who has a Bachelor's in Architecture and an MBA. He has live in Tigard for 4 years, and currently resides in the SW corner of the city.

William “Bill” Haack is Executive Director of Tualatin Valley Housing Partners. He is involved with Washington County's Vision West project as a member of the Vision Action Network. He is also a member of the Washington County Housing Advocacy Group, and the Association of Oregon Community Development Organizations. Mr. Haack attended California State University at Sacramento and did post graduate work at the University of San Francisco. He has lived in Tigard for 2 years and currently resides in the NE corner of the city.

Rex Caffall is Chief Executive Officer of Caro USA, Inc., a cosmetics manufacturing firm. He has been active with the Red Cross as an Instructor Trainer. He has also been involved with youth as a soccer coach and a Scout Master and District Representative for the Boy Scouts of America. Mr. Caffall attended the Virginia Military Institute and is a U.S. military veteran. He has been a Tigard resident for 12 years and currently resides in the central part of the city.

AGENDA ITEM # _____
FOR AGENDA OF December 10, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Update on the New Tigard Library

PREPARED BY: Margaret Barnes DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Presentation by staff to update the City Council about the new library.

STAFF RECOMMENDATION

The purpose of this presentation is to communicate recent events and accomplishments related to the new Tigard Library.

INFORMATION SUMMARY

On May 21, 2002, Tigard voters passed a \$13 million bond measure for the construction of a new library of approximately 47,000 square feet. This amount will pay for land acquisition, the designing, building and furnishing of the new library, parking and related street improvements. The site of the new library is a 14.7-acre property located along Hall Boulevard near O'Mara Street.

During the past month, SRG Partnership has worked closely with staff and the public to revise and refine the schematic designs for the new library. On Nov. 18, the New Library Resource Team reviewed the latest version of the designs and commented on them. We updated the Council on the progress of the plans on Nov. 19.

At the December 11 Community meeting, the schematic designs will be presented for public reaction. After the meeting, the plans will be presented to the Council for final approval. After the schematic design stage is completed, the project will move into the design development stage.

The City completed purchase of the library site in November. The People's Choice Arts Awards Contest received 46 entries. Winners will be announced at the Community Meeting on Dec. 11. The Arts Committee, consisting of Tigard citizens and members of the arts community, is working to obtain art and funding for art for the new library. The Committee is pursuing grants and corporate contributions in conjunction with the Tigard Library Foundation.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal #3: Adequate facilities are available for efficient delivery of life-long learning programs and services for all ages.

ATTACHMENT LIST

1. Set of PowerPoint Slides


FISCAL NOTES

N/A

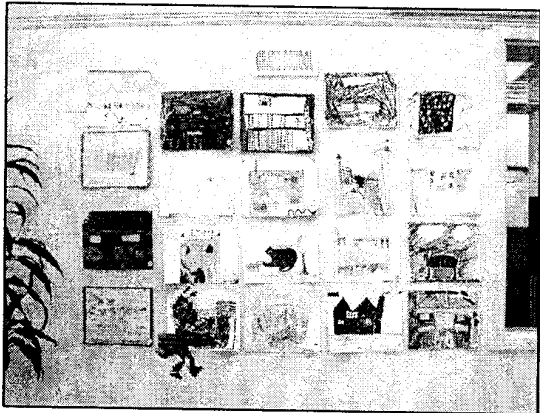


What's New on the New Library?

Timeline




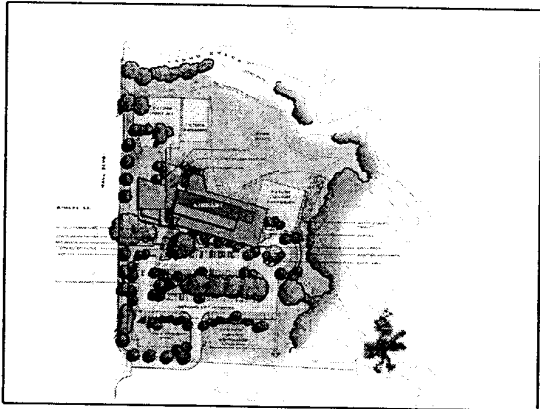
Countdown to a New Library		
Bond Measure Passes	Spring '02	<input checked="" type="checkbox"/>
Advertise for Architect	Summer '02	<input checked="" type="checkbox"/>
Select Architect	Summer/ Fall '02	<input checked="" type="checkbox"/>
Select General Contractor	Fall '02	<input checked="" type="checkbox"/>
Sell Bonds	Fall '02	<input checked="" type="checkbox"/>
Two Community Meetings on Library Design & Site	Fall '02	<input checked="" type="checkbox"/>
Purchase Property	Fall '02	<input checked="" type="checkbox"/>
Design Library	Fall '02/ Winter '03	<input type="checkbox"/>
Groundbreaking	Spring '03	<input type="checkbox"/>
Library Construction	Spring '03/04	<input type="checkbox"/>
Library Opens!	Summer '04	<input type="checkbox"/>

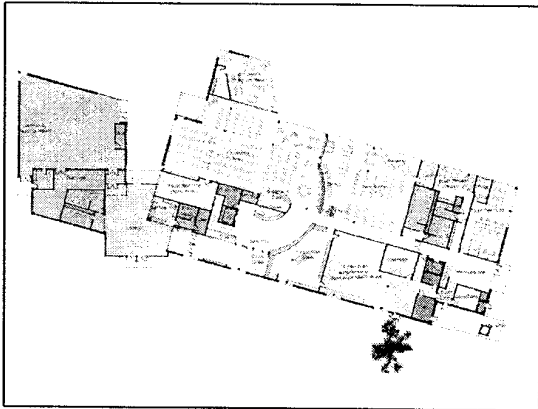


New Tigard Library Community Meeting

Wednesday, December 11
7 p.m.
Tigard Town Hall







Want to Know More?

- "Diggin' the Dirt" email updates
- New Library Web Pages
- Hard Hat Report in Cityscape



For More Information...

Contact:
paula@ci.tigard.or.us
503-684-6537, ext. 2508

Check out the Construction Web Pages:
www.ci.tigard.or.us



CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Adoption of Local Service Transit Action Plan

PREPARED BY: Julia Hajduk DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the Council adopt the Local Service Transit Action Plan to serve as guide for future discussions with Tri-Met to work towards increasing ridership on existing services and for the City to identify necessary actions to prepare for future ridership opportunities?

STAFF RECOMMENDATION

Show Council support for the Local Service Transit Action Plan by adopting the attached resolution.

INFORMATION SUMMARY

One of the City Council goals is to work with Tri-Met to develop intra-city bus service and Park-and-Ride locations within the City of Tigard. In order to address Council's goal, Staff has developed an action plan which will serve as a communication tool in discussions with Tri-Met, Metro and neighboring jurisdictions regarding local service in Tigard. The objective of the Action Plan is to help guide discussions between Tigard, Tri-Met and other service providers to work together to increase ridership on existing services and to prepare for future ridership opportunities. It is one piece of the whole transit picture which includes commuter rail, frequent bus corridors (line 12 and 76), and regional service in the Washington Square Regional Center.

In March, 2002 Council received an update on the action plan and was asked to provide input on priorities. The Council identified that service to low-income, senior and youth populations was the highest priority. With Council's priorities identified, the program was developed.

On November 12, 2002, Council was presented the results of the criteria and weighting and the priority ranking of the routes they had identified. The priority of routes that was presented to Council were:

1. Durham Road – 99W to Hall (44 pts.)
2. Gaarde – 99W to Barrows Road (40 pts.)
3. McDonald – 99W to Hall (27 pts.)
4. 72nd Avenue – Hunziker to the Tualatin Transit Center (25 pts.)
5. Bonita – Hall to 72nd Avenue (24 pts.)
6. 72nd Avenue - 99W to Hunziker (23 pts.)
7. Bull Mountain – 99W to Barrows (20 pts)
8. Durham Road – Hall to Tualatin Transit Center (18 pts.)

Council confirmed that the priority weighting prepared reflected Council's intent. There was a question at the November 12th meeting regarding the connection with neighboring jurisdictions. An element has been added to the action plan program that calls for on-going communication with Beaverton, Tualatin and Lake Oswego regarding transit service. Additional elements may be added to the program in future updates if needed.

The program provides specific actions such as “working with Tri-Met to target employers about the TDM program” or “program sidewalk improvements into the CIP” which will help to meet the objectives of the Action Plan. The specific actions vary depending on the needs and priority of each individual route. Exhibit A is the Local Service Action Plan with the proposed program and implementation strategy based on the priorities developed. Appendix A provides the detailed analysis of each route reviewed. Appendix B provides the points assigned and an explanation of how the points for a given category were divided.

OTHER ALTERNATIVES CONSIDERED

Request additions or deletions to the action plan program.

Do not adopt the action plan.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Transportation and Traffic Goal #1, Identify alternate transportation modes, encourage uses of alternate modes and encourage development of alternate modes.

ATTACHMENT LIST

Attachment 1: Proposed Resolution adopting the Local Service Transit Action Plan
Exhibit A: Local Service Transit Action Plan
Appendix A: Tigard’s Transportation Service Needs by Geographic Area – detailed matrix
Appendix B: Tigard Transit Service Needs Criteria Evaluation and Prioritization

FISCAL NOTES

Not applicable.

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-_____

A RESOLUTION ADOPTING THE LOCAL SERVICE TRANSIT ACTION PLAN.

WHEREAS, Council has had concerns regarding the lack of adequate internal transit service in Tigard, especially service for low-income, senior and youth populations; and

WHEREAS, Council has identified specific areas of concern with these target populations in mind; and

WHEREAS, Tri-Met is not the only provider of transportation services; and

WHEREAS, Tri-Met must consider operating costs and budget constraints and can not provide immediate service increases and new fixed route transit service in the areas of Council's concern; and

WHEREAS, Tri-Met has identified Tigard as one of four focus areas in Tri-Met's Transit Investment Plan; and

WHEREAS, a Local Service Transit Action Plan has been prepared which emphasizes increasing ridership on existing Tri-Met bus lines and utilizing existing non-Tri-Met transit options with the long range goal of showing that the ridership base is in place to support fixed route transit service; and

WHEREAS, Council supports the Local Service Transit Action Plan as guide for future discussions with Tri-Met to work towards increasing ridership on existing services and as a tool for the City to identify necessary actions to prepare for future ridership opportunities; and

WHEREAS, the Local Service Transit Action Plan includes provisions for updates to insure that the document keeps up to date with priorities, funding issues and other potential changing circumstances in Tigard and the Portland Metro area.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Local Service Transit Action Plan, attached as Exhibit A is adopted and shall be used as a guide for future discussions with Tri-Met staff and board members.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2002.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

CITY OF TIGARD LOCAL SERVICE TRANSIT ACTION PLAN

November 2002

Prepared by the City of Tigard Long Range Planning Department

Jim Hendryx, Community Development Director

Barbara Sheilds, Long Range Planning Manager

Julia Hajduk, Associate Planner – Project manager

Joel Groves, GIS Specialist

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Executive Summary

Goal

Council's 2002 goals include "working with Tri-Met to develop intra-city bus service and park and ride lots." In order to accomplish this goal, it was necessary to identify specific geographic areas and service needs to communicate to Tri-Met. It was also important to inventory existing conditions and services to determine the true needs for increased transit service in the areas identified. This document is an action plan for local service that will aid in the implementation of Council's goal.

To address Council's goal and to help implement portions of the transit section of the Transportation System Plan (TSP), the City has evaluated several key routes to develop an inventory, program and recommendations. The areas reviewed are:

1. Durham Road – 99W to Hall Blvd
2. Gaarde Street– 99W to Barrows Road
3. McDonald Street– 99W to Hall Blvd
4. 72nd Avenue – Hunziker Street to the Tualatin Transit Center
5. Bonita Road – Hall Blvd to 72nd Avenue
6. 72nd Avenue - 99W to Hunziker Street
7. Bull Mountain Road– 99W to Barrows Road
8. Durham Road – Hall Blvd to Tualatin Transit Center

Context with other plans

This local service action plan has been developed with consideration to the Transportation System Plan recommendations and Tri-Met's Transit Investment Plan.

TSP

Most of the areas reviewed in this action plan, with the exception of Bull Mountain Road, are also identified in the TSP. By adopting the TSP in January 2002, Council acknowledged it accepts the regional importance of transit access within the Washington Square Regional Center, commuter rail stations and along the 99W transit corridor. Council remains concerned, however, that the lack of internal transit service within Tigard will result in Tigard residents not having access to life need resources, as well as the existing regional transit routes. Council has expressed specific concern for certain priority population groups including:

- Low income
- Senior
- Youth

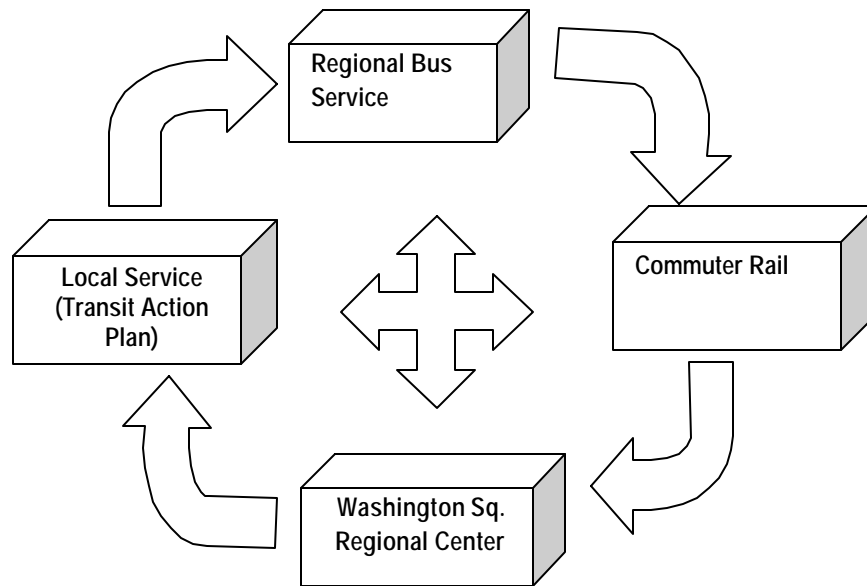
This action plan is consistent with the recommendations of the transit section of the TSP as it aims to address the issue of local service. It should be noted, however, that this action plan does not fully address the transit section of the TSP which includes recommendations for regional bus, commuter rail, Washington Square transit

improvements, etc. Figure 1, below, illustrates how the local service action plan fits into the larger transit picture.

Tri-Met TIP

Tri-Met has recently adopted a Transit Investment Plan (TIP) which serves as a tool for focusing funds in ways that meet the land use and transportation goals outlined in the Regional Transportation Plan (RTP). Much of the programs identified in the TIP are regional in nature such as commuter rail or frequent bus corridors. In addition to the regional programs, Tri-Met has identified several “focus areas” which will focus planning efforts looking at local service. The Tigard area has been identified as one of these five

Figure 1



areas. They will be

working with the City of Tigard to develop a long term program to address transit needs. This document is intended to be a communication tool for one piece of the larger transit puzzle. Figure 1 shows how this document fits into the “big picture” discussions that are anticipated to take place with Tri-Met in the near future.

Action Plan Overview

Council's desire is fixed route transit service along the identified routes, which would provide internal transit circulation to the priority population groups. It is recognized, however, that this may not be met immediately due to funding deficiencies, regional transit needs and lack of population numbers to support the transit system. This action plan identifies ways to serve Council's target population needs while also identifying infrastructure improvements that the City can complete in preparation for fixed-route service. This plan is divided into 4 general sections:

Existing Conditions – This section inventories the existing programs and services in order to develop a plan of action to increase local transit service. It is necessary to complete this step to identify what improvements and enhancements can be made in the program development and to determine the real needs of an area. For example,

we have identified that Gaarde Street and Bonita Road both have high low-income populations and Durham Road and Gaarde Street have high senior populations. Knowing this, we look at existing services, such as job access shuttles for low income and lift programs for the senior and disabled populations, which can provide more access to these population groups. The inventory of existing conditions also identifies infrastructure needs so that we can identify where capital improvements should be located to support transit. Sidewalks are deficient along both portions of 72nd Avenue, McDonald Street and Bull Mountain Road but are fully in place along Bonita Road and Durham Road between Hall Blvd and 99W. All of the routes are very different in terms of need and opportunity and this is taken into account when developing the program.

Council Prioritization – Given that there are 8 areas being considered and varying needs and opportunities for each area, it was necessary to prioritize the areas in order to develop a program. Criteria were developed and points assigned with emphasis placed on Council’s priority populations. By assigning point values to the criteria developed, a clear prioritization emerged. The factors that were evaluated and weighted are: total population, minority population, youth, senior, low-income, proximity to employment support, food and health, social programs and jobs, existing infra-structure, existing fixed route transit opportunities and whether the route is identified in the TSP.

The two areas to emerged with the highest number of points are Durham Road from 99W to Hall Blvd. and Gaarde Street between 99W and Barrows Road. The area with the lowest points was Durham Road from Hall Blvd. to the Tualatin Transit Center.

Program – After inventorying the existing services, needs and opportunities, and prioritizing the geographic areas being considered, a clear program emerged. The program elements can be divided into three general categories:

- Increase ridership on existing services,
- Provide infrastructure improvements to support new service, and
- Increase service hours and/or provide new service

Because each route is unique due to the varying needs and priority ranking, there is no one action that must take place before all other actions. Each route has its own elements which will help address Council’s goal.

Overall, there are quite a few existing services which are not being utilized to their full potential. A key piece of the program and strategy is to increase ridership on existing lines and services. Elements identified to do this include: publicizing existing programs and working with the Tri-Met marketing department and Westside Transportation Alliance (WTA) to target employers for Transportation Demand Management (TDM). There are also recommendations to apply for grant funds for pedestrian improvements along Gaarde Street, McDonald Street, and 72nd Avenue

and to include projects in the CIP to provide for infrastructure needs that will support new or existing transit service. A complete list of the program elements can be found on pages 16 through 18 of this action plan. The program is located in the table on pages 19 and 20.

Recommendations for Program Elements – The plan provides a recommended implementation strategy for achieving the general program tasks. This section takes the program section one step further by identifying involved parties, specific steps needed to complete the task and the anticipated completion date. The implementation strategy provides timeframes for near (now) and short (1-5 years) term actions. Medium term (5-10 years) and long term (more than 10 years) actions are identified, but due to the timeframe, implementation strategies are not identified at this time. Because Bull Mountain Road and Durham Road from Hall Blvd. to the Tualatin Transit Center are the lowest priority areas in this review, there are no identified tasks in this section because there are no near or short term tasks identified for either area. As the document is updated in the future, tasks will be incorporated for these areas. It is anticipated, that due to the changing nature of the funding, regional transit priorities and development, this plan will need to be updated every 2 years.

The technical appendix is included at the end of this action plan and includes the census tract data, priority ranking data and supporting documentation.

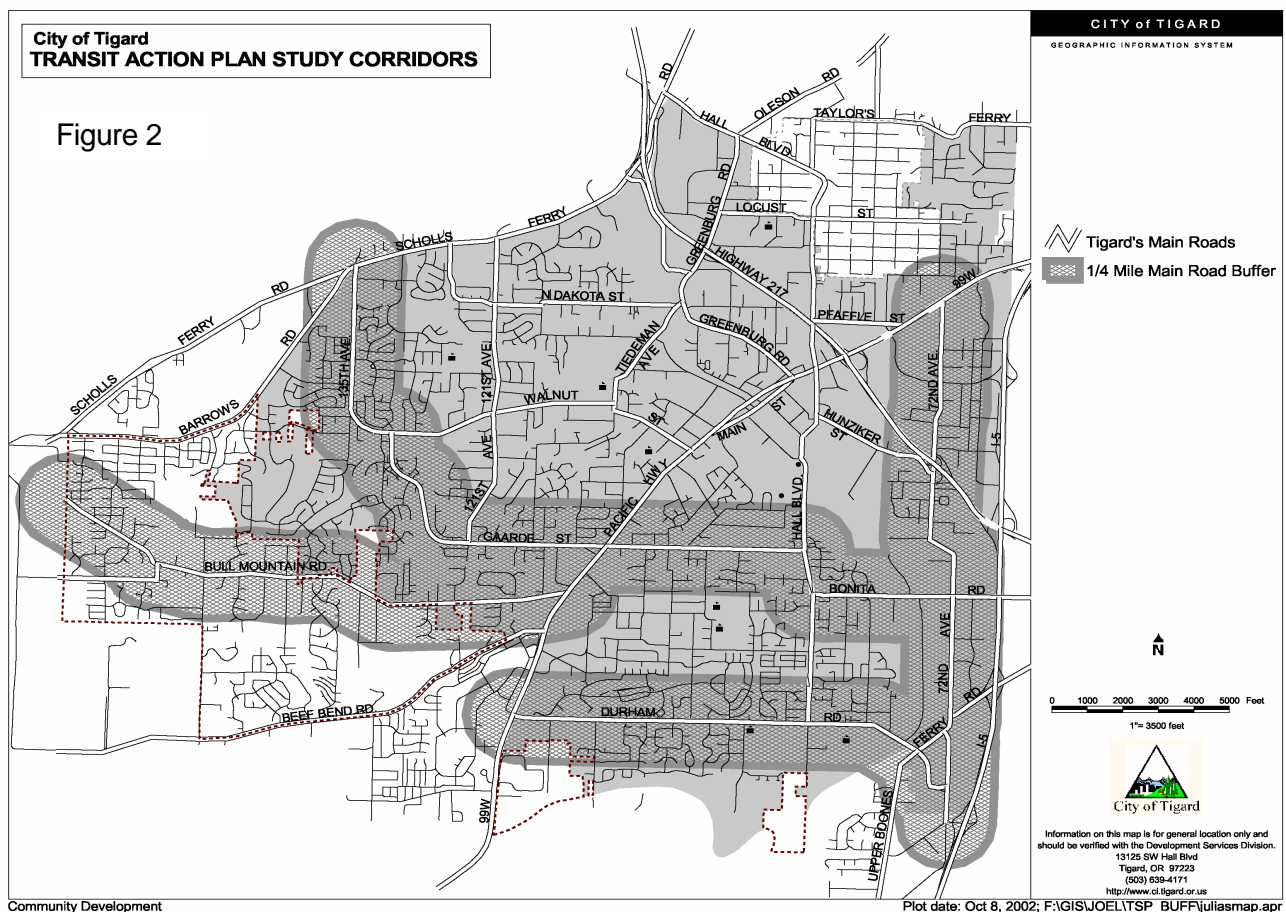
II. Background/Introduction

In the past and within Council's 2002 goals, Council has expressed a concern about the lack of adequate internal transit opportunities in Tigard with particular emphasis on certain target population groups including:

- Low income
- Senior
- Youth

Council, Tri-met board members and staff met in May 2001 to discuss Tigard's issues and concerns regarding the lack of intra-city transit service in Tigard. At that time, it was identified that more specificity was needed from the Tigard Council regarding needs and priorities in order for Tri-Met to respond. Since that time, Council has met with staff on several occasions to identify specific target populations and life need resources and to identify priorities among the criteria developed to evaluate the eight geographic areas. Staff has communicated with Tri-Met staff members regarding the action plan scope and this document reflects these conversations.

To address Council's goal and to work towards implementing portions of the transit section of the TSP, the City began evaluating several key routes to develop an inventory, program and recommendations. The sections studied for program



development are based on Council goals and target populations. Figure 2 is a map identifying the areas studied and a ¼ mile buffer from the routes. The areas included in the study are:

- Bonita Road between Hall Blvd and 72nd Avenue
- Durham Road between 99W and Hall Blvd
- Durham Road between Hall Blvd and the Tualatin Transit Center
- McDonald Street between 99W and Hall Blvd
- Gaarde Street between 99W and Barrows Road
- 72nd Avenue between 99W and Hampton Street
- 72nd Avenue between Hampton Street and the Tualatin Transit Center
- Bull Mountain Road between 99W and Barrows Road

This local service action plan identifies ways to serve Council's target population needs while also identifying infrastructure improvements that the City can complete in preparation for fixed-route service. It is the intent to use this document, the TSP and the City's efforts in preparing for more transit service in discussions with Tri-Met as they continue to "grow their transit system" through their Transit Investment Plan.

III. Existing Conditions

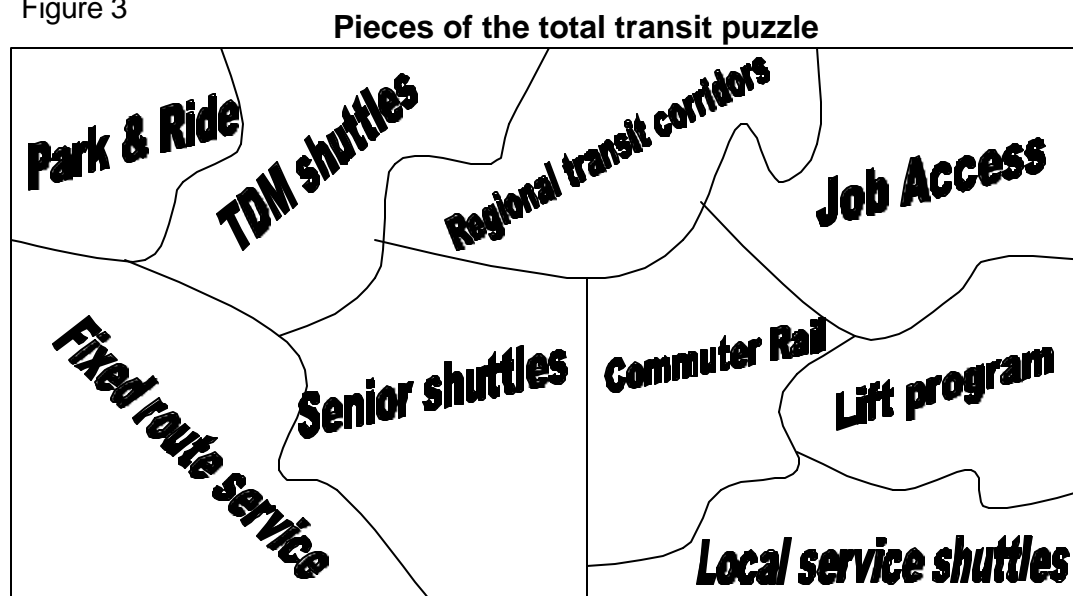
In order to develop a plan of action to increase local transit service, it is first necessary to identify what the existing conditions are in order to identify what improvements and enhancements can be made. There are 2 aspects for consideration in this section.

1. Existing transit opportunities and
2. Inventory of the study areas' infrastructure and service needs

Existing Transit Opportunities

A total transit system is made up of many pieces. While not all areas and populations are served by fixed route transit service, there are opportunities for access to transit by several additional programs of which many people are unaware. Figure 3, below, illustrates some of the many transit opportunities that are or will be available to Tigard residents that make up the total transit picture.

Figure 3



In the development of the action plan program, we will look at using all of these pieces to develop and/or enhance the existing transit service while working towards increased fixed route services for the target populations and routes. The programs emphasized depend on the route and its unique characteristics. For example, 72nd Avenue has a high employee population but a relatively low residential population, so program elements would need to focus on employer based TDM programs, Job Access, etc. An area with a high low-income population, such as Gaarde, will include elements to increase awareness of programs geared for low income populations. The following is a brief summary of the existing transit opportunities that serve Tigard:

Fixed Route

Who is served: There are 10 lines serving portions of Tigard that are fixed route. Fixed route transit provides transit access along a specific route at specific times to anyone wishing to ride.

Frequency: May be as frequent as every 15 minutes all day everyday or as infrequent as every 30 minutes-an hour during peak periods.

Operated by: Tri-Met

Jobs Access

Who is served: This program is a federally funded grant program that connects low-income people and those receiving Temporary Assistance to Needy Families (TANF) with employment areas and related support services.

Frequency: The service is on demand during the hours of 6AM-8PM Monday-Friday. Access is provided only to points within Tigard, however this could include access to a transit center which provides service regionally.

Operated by: Ride-Connection, a private non-profit agency.

The demand for this service has been fairly low, however ridership has increased slightly in the past 3 months. The cost of providing this service is high and Ride-Connection has indicated an interest in working with Tri-Met to look at route or service options to make the service more effective. Increased efforts must be made to improve usage of this service or the area risks losing the service and the opportunity to prove to Tri-Met that there are ridership needs for low-income populations.

Lift Program

Who is served: Provides door-to-door para-transit service to people who are unable to use fixed route services because of disability, or who are unable to navigate the fixed route system independently.

Frequency: Operates within and $\frac{3}{4}$ of a mile beyond Tri-met's service boundaries during the same hours as Tri-met's bus and MAX services. It is on-demand based.

Operated by: The Lift program is operated by Tri-Met.

Dial-a-Ride

Who is served: Countywide service to seniors and people with disabilities

Frequency: The service is door-to-door, on demand

Operated by: The American Red Cross

Ride Connection Community Shuttle

Who is served: Provides a limited fixed route shuttle for the King City area and door-to-door service for seniors and people with disabilities in King City, Summerfield, Royal Mobile Villas, Woodspring Apartments and Eldorado Mobile Villas by calling the Ride Connection dispatch by 2:30 PM the day before.

Frequency: The fixed route shuttle runs from 9:00 AM to 4:30 PM. The door-to-door service runs from 10:00 AM to 2:30 PM for all areas except King City. King City residents may be able to get door-to-door service along the shuttle route during shuttle service hours. Destinations for the shuttle are: King City Plaza, King City Town Hall (Library and Pool), swimming pool at Crown Center, Tri-Met stops on 99W, Safeway and adjacent stores and Albertson's and adjacent stores.

Operated by: Contracted by Tri-Met and operated by Ride Connection

Transportation Demand Management (TDM) Programs

An additional resource and method of addressing transit needs is through Transportation Demand Management programs. In the areas being studied, there are approximately 21 businesses with 50 or more employees currently using some form of TDM strategy. TDM strategies in use include: carpool match, vanpool programs, passport program (pass subsidies), emergency ride home services, encouraging biking and walking, employee shuttles, etc. None of the employers provide shuttles to/from transit centers. It may be possible for Tri-Met and/or Westside Transportation Alliance (WTA) to target employers in the 72nd Avenue area for increased participation in TDM programs and partnering for employee shuttle services.

Inventory of the study areas' infrastructure and service needs

Each of the 8 geographic areas reviewed are unique. Before a program could be developed to provide increased transit service, it was first necessary to inventory each of the routes to determine the population characteristics, existing fixed route transit opportunities in proximity and the infra-structure needs.

Gaarde Street has the highest general population, as well as the highest percentage of low income and youth population. The highest percentage of senior population is found along Durham Road between 99W and Hall Blvd.

Of the 8 routes reviewed, only 3 have existing fixed routes or are within ¼ mile of a fixed route. Of the areas with fixed route bus service, none of them provide service more often than every 30 minutes and only the line serving Durham Road between the Tualatin Transit Center and Hall Blvd and the line serving 72nd Avenue between 99W and Hampton Street serve a significant portion of Tigard via the transit center and Washington Square.

Most of the routes had inadequate right-of-way for bus turn-outs. Lack of sidewalks is the greatest capital improvement need along McDonald Street, 72nd Avenue (both

segments) and Bull Mountain Road. Bonita Road, the full length of Durham Road and Gaarde Street have significant infra-structure in place at this time to support transit service. Additional infra-structure issues is lack of right-of-way for amenities at transit stops (key intersections) and lighting.

Appendix A provides a detailed matrix of the inventory summarized in this section. The information from the inventory was utilized to develop a priority ranking of the areas which was then used to develop the action plan program. Below is a summary of the inventory findings for each geographic area:

Bonita Road

Population

This route has a residential population of approximately 2,018 people within ¼ mile of the potential route. There are approximately 123 people identified by the Census Bureau as low income, 28% are under the age of 19 and 4% are over the age of 65. There are 16 business with addresses off Bonita with 291 employees total.

Existing fixed route transit

There is access to transit at the Hall/Bonita (line 76) intersection and at the 72nd/Bonita (line 38) intersection, however the distance between these intersections is approximately 2.4 miles. Line 38 only provides service every 30 minutes during peak times and line 76 provides service every 30 minutes. In addition, bus line 38 (serves the 72nd/Bonita intersection) only provides access to a small portion of Tigard and then goes into Lake Oswego on its way into downtown Portland.

Infrastructure

There are sidewalks along both sides of Bonita Road from Hall Blvd. to 72nd Avenue. There appears to be adequate lighting. Transit amenities could be placed in easements behind the sidewalks. There is inadequate right-of-way for bus turn outs at major intersection locations.

Durham Road from 99W – Hall Blvd.

Population

This route has a residential population of approximately 5,034 within ¼ mile of the road. There are approximately 118 people identified by the Census Bureau as low income, 22% are under the age of 19 and 30% are over the age of 65. There are approximately 70 businesses within the vicinity with a total employee population of 456 people. There is also the high school which includes an additional 1,944 students and 90 employees.

Existing fixed route transit

There is access to transit at the Hall/Durham (line 76) intersection and at the 99/Durham (line 12) intersection. The distance between these two intersections is approximately 6.4 miles.

Infrastructure

There are sidewalks along both sides of Durham Road between 99W and Hall Blvd. There is adequate right-of-way for turnouts and amenities except at the intersection with Hall and 99W. There appears to be adequate lighting.

Durham Road from Hall Blvd – Tualatin Transit Center

Population

This route has a residential population of approximately 742 within ¼ mile of the road. There are no people identified by the Census Bureau as low income, 30% are under the age of 19 and 3% are over the age of 65. There are approximately 89 businesses within the vicinity with a total employee population of 1,059 people.

Existing fixed route transit

There is transit along this route via bus line 76 which provides service between Meridian Park Hospital and the Beaverton Transit Center. Service runs every 30 minutes for most of the day.

Infrastructure

There are sidewalks along both sides of the road between Hall and 72nd. From 72nd to the Tualatin Transit Center, there are sidewalks along only 1 side of the road.

There are no shelters at any of the existing transit stops and there are several locations where that may make sense. Because this is an existing route, the needs are different than roads with no service. Along this road, there is a need for sidewalks along both sides of the street and additional shelters and/or other transit stop amenities. There appears to be adequate lighting.

McDonald Street from 99W – Hall Blvd.

Population

This route has a residential population of approximately 3,049 within ¼ mile of the road. There are approximately 64 people identified by the Census Bureau as low income, 26% are under the age of 19 and 11% are over the age of 65. Because the land use adjacent to the route is residential, there are no significant businesses or employee populations along this route. There, of course, are some businesses at the intersection of Highway 99W, however, this population was not counted because it is primarily served by transit service along Highway 99W.

Existing fixed route transit

There is access to transit at the McDonald/99W (line 12) intersection and the McDonald/Hall (line 76) intersection. The distance between these two intersections is approximately 4.3 miles. There is the potential for a fixed route bus route along this street to be combined with a fixed route bus route serving Gaarde Street, however, each segment was evaluated separately in order to identify any unique characteristics, opportunities or needs.

Infrastructure

There are limited sidewalks along this street between 97th Street to 100th Street and none between 100th Street and 99W. There is inadequate right-of-way for bus turn outs or transit amenities at major intersection locations. Shelters and benches could be located in easements along the route. There appears to be adequate lighting.

Gaarde Street from 99W – Barrows Road

Population

This route has a residential population of approximately 7,229 within ¼ mile of the road. There are approximately 382 people identified by the Census Bureau as low income, 32% are under the age of 19 and 6% are over the age of 65. Because the land use adjacent to the route is residential, there are no significant businesses or employee populations along this route. There are, of course, some businesses at the intersection of Highway 99W, however, this population was not counted because it is primarily served by transit service along Highway 99W.

Existing fixed route transit

There is access to transit at the Gaarde/99W (line 12) intersection. There is the potential for a fixed route bus route along this street to be combined with a fixed route bus route serving McDonald, however, each segment was evaluated separately in order to identify any unique characteristics, opportunities or needs.

Infrastructure

There are sidewalks along both sides of this street for much of this route, however there are spotty locations where there are sidewalks on only one side or none at all. There is inadequate right-of-way for bus turn outs at major intersection locations. Shelters or benches could be placed in easements or on City property in some locations. There appears to be adequate lighting.

72nd Avenue from 99W – Hampton Street

Population

72nd Avenue between 99W and Hampton Street has a residential population of approximately 814 people within ¼ mile of the road. There are approximately 61 people identified by the Census Bureau as low income, 20% are under the age of 19 and 9% are over the age of 65. There are approximately 93 businesses within the vicinity with a total employee population of approximately 1,044 people.

Existing fixed route transit

There is existing transit service within ¼ mile via bus line 78 which provides service every 30 minutes along 68th Parkway. Line 78 runs between Beaverton and Lake Oswego and provides Tigard stops at the Washington Square Transit Center, Tigard Transit Center, Hunziker Street and 68th Parkway between Hunziker Street and Atlanta Street before going into Lake Oswego. Access to transit can also be obtained at the 99W/72nd intersection via bus line 12 which provides 15 minute service.

Infrastructure

There are no segments with sidewalks along both sides of the road. About half of the segment has sidewalks along one side of the road (99W to Dartmouth and Hermoso to Hampton). There is inadequate right-of-way for bus turn outs at major intersection locations. Shelters and other amenities could be incorporated into project reviews as development occurs. There appears to be adequate lighting.

72nd Avenue from Hunziker Street – Tualatin Transit Center

Population

72nd Avenue between Hunziker and the Tualatin Transit Center has a residential population of approximately 840 within ¼ mile of the road. There are approximately 89 people identified by the Census Bureau as low income, 26% are under the age of 19 and 5% are over the age of 65. There are approximately 387 businesses within the vicinity with a total employee population of 7,491 people.

Existing fixed route transit

There is existing transit service via bus line 38, however it only provides transit service every 30 minutes at peak times of the day. The line travels from the Tualatin park and ride to downtown Portland. The only location it travels through Tigard is along 72nd Avenue and travels north into Lake Oswego at Kruse way, however, it may provide some opportunity for Lake Oswego residents and Tualatin residents to travel to employers along 72nd Avenue in this location. Line 38 provides access to additional transit centers which, in-turn provides access to additional transit lines.

Infrastructure

There are sidewalks along at least one side of the road for most of this section, with occasional spots with sidewalks on both sides or none. There is inadequate right-of-way for bus turn outs at major intersection locations. There appears to be adequate lighting.

Bull Mountain from 99W – Barrows Road

Population

Bull Mountain Road between 99W and Barrows, via Roshak, has a residential population of approximately 5,625 within ¼ mile of the road. There are approximately 173 people identified by the Census Bureau as low income, 29% are under the age of 19 and 7% are over the age of 65. Because the land use adjacent to the route is residential, there are no significant businesses or employee populations along this route.

Existing fixed route transit

There are, of course, some businesses at the intersection of Highway 99W, however, this population was not counted because it is primarily served by transit service along Highway 99W. There is access to transit at the 99W intersection via line 12.

Infrastructure

Bull Mountain Road is not improved with sidewalks for most of its length to Roshak. From Roshak to Barrows, there are generally sidewalks along both sides of the road, however this section is not currently constructed to handle bus traffic. There is inadequate right-of-way for bus turn outs at major intersection locations. There appears to be adequate lighting. Because of the inability to accommodate buses on the existing roads, it may be more feasible to focus efforts in this location on local service shuttles and park and ride lots.

Council Prioritization of Specific Routes

In order to develop a program, it was necessary to prioritize the areas. In order to develop a priority of the projects, criteria were developed and points assigned with emphasis placed on Council priority populations (areas with a high percentage of low-income, senior and youth populations). By assigning point values to the criteria developed, a clear prioritization emerged.

Overview of Criteria and Weighting

In addition to the priority populations, additional factors that contributed to the prioritization include:

- Total population
- Employee population
- Proximity to a route which would provide access to “life need resources” including: employment support and education, food and health and social programs
- Whether there were significant infrastructure improvements needed to support fixed route services
- Whether fixed route transit service would provide access to other transit routes.

It was interesting that some areas ranked higher than expected while others ranked lower than expected. For example, Bonita Road was originally expected to rank fairly high because of the known low-income population. Upon applying the criteria, however, it became clear that other areas, such as Gaarde Street and Durham Road had higher overall populations and, according to the census data, higher numbers of low income, senior and youth populations. When all the factors were combined, clear priorities were apparent. Still the weighting of the criteria is based on Council priorities. Weighting the criteria differently, may result in a difference in the priority ranking. If Council had indicated that jobs and access to employment were the highest priority, 72nd between 99W and Hunziker may have ranked higher. Appendix B provides the analysis and weights assigned to each route based on the inventory matrix previously referenced.

Priority of Routes

The priority that resulted after applying priority weights to the criteria is:

1. Durham Road – 99W to Hall (44 pts.)
2. Gaarde – 99W to Barrows Road (40 pts.)
3. McDonald – 99W to Hall (27 pts.)
4. 72nd Avenue – Hunziker to the Tualatin Transit Center (25 pts.)
5. Bonita – Hall to 72nd Avenue (24 pts.)
6. 72nd Avenue - 99W to Hunziker (23 pts.)
7. Bull Mountain – 99W to Barrows (20 pts)
8. Durham Road – Hall to Tualatin Transit Center (18 pts.)

The priorities are necessary in developing a program, however, it should be noted that a low priority project does not indicate that it is not important based on Council goals. A low ranking in the priority simply means that, of the important projects, it can be completed later than projects that will provide service to more people in Council's target populations. All projects are included in the program and it is anticipated that all project components will be completed.

Discretionary Factors

While the conclusions reached are based on the best information available, there are always some areas of discretion to use in determining how the data is organized, and utilized. In addition, because of the way the low-income data was organized compared with the rest of the census data, there were some administrative decisions made which may affect the rankings. Staff looked at the areas reviewed and if a block group included a concentration of low-income dwellings that were outside of the area being reviewed for the action plan, the numbers were adjusted to as closely reflect as possible, the reality on the ground.

Every attempt has been made to accurately reflect the Council goals and true needs of the community and priority population groups in this action plan.

Program

The program that has been developed identifies several actions to support or justify fixed route transit service. Each piece is important to the overall success of this local transit service action plan. The program elements can be divided into 2 general categories: capital improvements and service improvements. The program that has been developed provides elements for each of the routes reviewed. Based on the prioritization and the unique needs of the route, however, some elements are programmed for the short term (1-5 years) while other elements which are more complex or needed on lower priority routes are programmed for the medium term (5-10 years) or long term (more than 10 years). Below is an explanation of each of the program elements utilized to develop the local service transit action plan program:

Service Improvement Program Elements

- **Publicize existing programs**

In order to get new or expanded fixed route service, we must first show that the ridership is there and will utilize the service. Because there are already programs in place that are not being utilized to their full potential, the first step is to increase awareness of the programs. In addition to this being needed to justify new service, if ridership in some of the existing programs remains low, there is the risk that the program could be eliminated. Specific programs to emphasize include:

- Jobs access
- Lift program
- Ride Connection Community Shuttle
- Dial-a-ride

One method identified specifically in the program is to create an informational flyer on existing transit opportunities to be mailed to all business owners along with their annual business tax receipts.

- **Work with Tri-Met marketing department and WTA to target employers for TDM**

Tri-Met has an existing Transportation Demand Management program that works with employers to develop programs to address employee population needs. The Tri-Met marketing department can focus efforts in a particular area to elicit the most involvement. The City of Tigard can ask Tri-Met to focus their TDM marketing efforts on areas with large employee populations, such as along 72nd Avenue, in order to increase involvement in these programs, thus showing the desire and demand for additional transit service.

- **Work with Tri-Met to explore altering existing services to include routes**

- **Ask Tri-Met to look at shift times and whether altering bus schedules will capture more riders**

- **Ask Tri-Met to explore where employees are coming from to see if line changes would increase ridership**

Tri-Met has indicated that, initially, they may be willing to look at altering the existing service hours to include servicing a priority area. This would likely mean increasing the interval time between buses and/or removing existing low performing routes. This provision will be placed in the program for the top priority route (or routes). Service will be changed only after thorough evaluation and public notice along affected routes. Additional work programs will have to be developed to implement this program element.

Ultimately, it is anticipated that funds will become available to increase the total number of service hours for local service in Tigard and that the routes identified will obtain more frequent fixed route service.

Capital Improvement Program Elements

- **Program sidewalk/infrastructure improvements into the CIP**

In many cases, there are limited sidewalks or additional infrastructure improvements that must be completed in order to support fixed route transit service. As a general rule, it is no use having a bus stop if no one can walk to it because of lack of sidewalks. For this reason, it is critical that sidewalk installation be a priority along routes targeted for fixed route transit service. Sidewalks are a requirement of land development approval and are programmed into any road improvement project. In addition to these steps that currently take place to eliminate sidewalk gaps, the program calls for programming sidewalk improvements into the CIP process depending on the priority ranking of the project. Of course, if sidewalk gaps are eliminated through another funding source (MTIP, Developer, LID, etc.) by the time they are scheduled to be funded with CIP funds, the program element has been met and CIP funds can be used for another project.

- **Apply for State Pedestrian Grants**

The State of Oregon has a grant program for projects that consider the needs of children, elderly, disabled and transit users. Grant funds can be used to complete short missing sections of sidewalks which would remove access to transit obstacles. It is recommended that Tigard actively participate in the grant application process to assist in sidewalk construction to support future transit, provide pedestrian access to schools, etc.

- **Apply for CDBG funds for sidewalk/access to transit improvements**

The Community Development Block Grant Program provides grant opportunities for jurisdictions in areas with 51% or more that are low income. In these areas, the City could apply for funds to construct sidewalks removing access to transit barriers. It is recommended that Tigard actively participate in the grant application process to assist in sidewalk construction to support future transit, provide pedestrian access to schools, etc. Based on the inventory of existing conditions, no whole route has a high enough percentage of low-income populations to be eligible for CDBG funds, however portions of certain routes have a high concentration of low-income populations which will become the focus of potential CDBG applications.

- **Consider applying for MTIP funds for localized shuttle**

As stated previously, in order to get new or expanded fixed route service, Tigard must first show that the ridership is there and will utilize the service. A component of this transit service program is to consider applying for MTIP funds to start up and operate a local service shuttle serving priority populations and/or geographic areas. A program such as this would be a demonstration project that could be maintained for a maximum of 3 years. If, after 3 years, the ridership is sufficient to justify permanent transit service, Tri-Met (or the City??) would have to include permanent service in their operating budget in order to keep it running. Programs such as this have been successful in other parts of the Metro area and are effective ways to provide transit service that is less costly than running buses on a fixed route. Additional work programs will have to be developed to implement this program element and to evaluate the effectiveness of the program once it were established.

Capital improvements to 72nd Avenue are also identified in the Regional Transportation Plan (RTP) and are, therefore, eligible for MTIP funds. An additional recommendation is to consider applying for MTIP funds to help complete the pedestrian improvements along the two 72nd Avenue routes.

Transit Action Plan Program For Increased Local Service

The matrix on the following pages provides the proposed program for increased local transit service in Tigard. The program elements are distributed for each geographic area based on the analysis of existing conditions and the Council prioritization discussed previously in this document. In the following sections, the program is developed further with specific recommendations and strategies for implementation. Near term and short term elements include tasks that can be done fairly quickly for all routes in question and focuses the majority of more detailed tasks on the higher priority routes like Durham Road and 72nd Avenue. Examples include working with Tri-Met to target employers for TDM programs, publicizing existing transit opportunities and programming sidewalk improvements into the City's CIP. The medium term and long term tasks are identified as well. These tasks include more frequent bus service along 72nd, fixed route service along most of the routes, etc. In order to realize these tasks, significant coordination with Tri-Met is necessary and the near and short term elements of this action plan will need to be completed.

TRANSIT ACTION PLAN PROGRAM FOR INCREASED LOCAL SERVICE

	Near Term (now)	Short Term (1-5 years)	Medium Term (5-10 years)	Long Term (more than 10 years)
General	<ul style="list-style-type: none"> • Create informational flyer on existing transit opportunities to be distributed with business tax information 	<ul style="list-style-type: none"> • Work with Tri-met on Tri-met's "focus area" plan development incorporating action plan principles • Consider links to commuter rail and opportunities created • Communicate with neighboring jurisdictions to jointly address transit needs 		
Durham – 99W to Hall	<ul style="list-style-type: none"> • Work with Tri-Met to explore altering existing services to include this route 		<ul style="list-style-type: none"> • Work with Tri-Met to secure funding to implement service changes if warranted 	<ul style="list-style-type: none"> • Per the TSP, new fixed route service at community bus or mini-bus level (30 min-1 hour service).
Gaarde		<ul style="list-style-type: none"> • Program sidewalk improvements into the CIP and/or apply for pedestrian grants 	<ul style="list-style-type: none"> • Work with Tri-Met to add service (not necessarily fixed route) along this route 	<ul style="list-style-type: none"> • Per the TSP and RTP (Regional bus designation), new fixed route service at 15 minute service level.
72 nd – Hunziker to Tualatin Transit Center		<ul style="list-style-type: none"> • Work with Tri-Met and WTA to target employers for TDM • Ask Tri-Met to look at shift times and whether bus times should be altered to capture more employees • Ask Tri-Met to geo-code employees to see where employees are coming from, to see if line changes would increase ridership • Program sidewalk improvements into the CIP • Consider applying for 2006-10 MTIP funds to help with capital improvement costs 	<ul style="list-style-type: none"> • More frequent service • Better links to transit center and commuter rail 	<ul style="list-style-type: none"> • Per the TSP and RTP (Regional bus designation), service level increased to 15 minute service.
McDonald		<ul style="list-style-type: none"> • Program sidewalk improvements into the CIP • Apply for pedestrian grants for sidewalk improvements 		<ul style="list-style-type: none"> • Per the TSP, new fixed route service either combined with Gaarde as regional bus (15 minute

	Near Term (now)	Short Term (1-5 years)	Medium Term (5-10 years)	Long Term (more than 10 years)
McDonald (cont.)				service) or a separately operated community bus or mini-bus.
Bonita		<ul style="list-style-type: none"> Publicize existing programs (Tri-Met help) 	<ul style="list-style-type: none"> Amenities at existing stop on Hall (?) 	<ul style="list-style-type: none"> Per the TSP, new fixed route service either combined with an existing route or separately operated at mini-bus level (1 hour frequency)
72 nd – 99W to Hunziker		<ul style="list-style-type: none"> Work with Tri-Met and WTA to target employers for TDM Tri-Met look at shift times and whether bus times should be altered to capture more employees Ask Tri-Met to geo-code employees to see where employees are coming from, to see if line changes would increase ridership 	<ul style="list-style-type: none"> Program sidewalk improvements into the CIP Consider applying for MTIP funds to help with capital improvement costs 	
Bull Mountain			<ul style="list-style-type: none"> Program sidewalk improvements into the CIP for portions inside Tigard City limits. Encourage County to program sidewalk improvements for portions outside of City limits. 	<ul style="list-style-type: none"> Mini-bus serving Bull Mountain Road between 99W and Barrows Road.
Durham – Hall to Tualatin Transit Center		<p>**Line 76 is being considered for frequent bus corridor which would provide 15 minute service all day, every day. The frequent bus corridor will also look at project amenity needs and public investment opportunity. Staff to continue participation in TAC and follow-up with Tri-Met as needed.</p>	<ul style="list-style-type: none"> Work with Tri-Met to evaluate potential for additional stop amenities 	

Recommendations for Program Elements

This section makes several recommendations which will help in achieving Council's goals. In order to implement the program outlined in the previous section, there are specific actions that are needed in order to fund and implement the specific program steps. In addition, there are communication recommendations to help ensure that this document remains an active planning tool after Council's adoption. This section takes the program section one step further by identifying involved parties, specific steps needed to complete the task and the anticipated completion date. The tables are divided into the categories from the program matrix in priority order: General, Durham – 99W to Hall, Gaarde, 72nd – Hunziker to Tualatin Transit Center, McDonald, Bonita, 72nd – 99W to Hunziker, Bull Mountain, and Durham- Hall to Tualatin Transit Center. The following is the recommended implementation strategy for near term and short term actions. Medium term and long term actions will need to be defined as we get closer to those timeframes. Because Bull Mountain and Durham- Hall to Tualatin Transit Center are the lowest priority areas in this review, there are no identified tasks in this section because there are no near or short term tasks identified for either area. As the document is updated in the future, tasks will be incorporated for these areas. It is anticipated that, due to the changing nature of the funding, regional transit priorities and development, this plan will need to be updated every 2 years:

General

Program Task	Create informational flyer on existing transit opportunities to be distributed with business tax information
Involved parties	Tri-Met, Tigard Finance staff, Tigard Planning staff, WTA
Specific steps	<ul style="list-style-type: none">• Obtain information from Tri-Met staff on existing services• Develop layout for flyer information• Prepare draft for “involved parties” review• Final version sent to printer for copies (approx. 3,500 copies costing approx. \$136-\$211)• Distribute to Finance staff for enclosure with business tax renewal receipts
Anticipated completion date	January 2003

General (cont.)

Program Task		Work with Tri-Met on Tri-Met's "focus area" plan development incorporating action plan principles
Involved parties		Planning staff, Engineering staff (for CIP issues), Finance staff (for budget issues), Tri-Met, City Council
Specific steps		<ul style="list-style-type: none"> • Tri-Met has not developed a work plan for focus area plan development. Staff will consult with Tri-Met periodically to check on the status and to convey our willingness to work on this plan. • Once a work plan is developed, Tigard staff will update Council on specific steps. • Ultimate completion would likely include Council endorsing the focus area plan and entering into an IGA with Tri-Met for service and capital investment.
Anticipated completion date		TBD

Program Task		Consider links to commuter rail and opportunities created
Involved parties		Tri-Met, Tigard staff and Council, downtown groups/organizations, WTA
Specific steps		<ul style="list-style-type: none"> • As commuter rail moves forward, Tri-Met will need to consider how to integrate this service with existing service. Planning staff will continue to advocate for more intra-city links, but also for more links from commuter rail to employment areas such as the Tigard Triangle, 72nd Avenue and Washington Square. • It is anticipated that commuter rail considerations will also be discussed as part of the focus area plan development.
Anticipated completion date		On-going

Program Task		Update local service transit action plan every 2 years
Involved parties		Planning Staff, Tri-Met, WTA, City Council
Specific steps		<ul style="list-style-type: none"> • Meet with Council during a work session to evaluate observations and priorities to incorporate into action plan update (July 2004) • Incorporate changes to the transit system as well as planned changes and prepare draft update (August-October 2004) • Hold second work session with City Council to discuss changes and updated recommendations (Nov 2004) • Hold City Council public hearing for formal acceptance by resolution. (Dec. 2004)
Anticipated completion date		December 2004

Durham – 99W to Hall

Program Task	Work with Tri-Met to explore altering existing services to include this route
Involved parties	Tri-Met, Planning Staff, City Council
Specific steps	<ul style="list-style-type: none"> • Ask Tri-Met staff to evaluate how service could be altered from existing lines to include this portion Durham Road • Take alternatives to Council for consideration and recommendation • Depending on Council recommendation, work with citizens (in concert with Tri-Met) along lines to be altered to gather input <ul style="list-style-type: none"> Open houses Informational mailings • Hold work session with Council to present information gathered at public involvement meetings • Council adopts formal recommendation for service change (if appropriate) and forwards to Tri-Met staff for implementation
Anticipated completion date	2004-2005

Gaarde

Program Task	Program sidewalk improvements into the CIP and/or apply for pedestrian/bike grants
Involved parties	Engineering staff
Specific steps	<ul style="list-style-type: none"> • Engineering solicits recommended projects for inclusion in CIP (Oct 2004 or 2005) • Formal public meetings to present recommendations and solicit comments (Jan/Feb 2004 or 2005) • Recommended CIP presented to Planning Commission • Planning Commission recommended CIP presented to Council for adoption (no later than June 2004 or 2005)
Anticipated completion date	TBD based on CIP priorities and public input – recommended for no later than 2005 (2 years)

72nd – Hunziker to Tualatin Transit Center

Program Task	Work with Tri-Met and WTA to target employers for TDM
Involved parties	Tri-Met, Tigard Planning staff, WTA
Specific steps	<ul style="list-style-type: none"> • As part of “general” work task to create an informational flyer, provide contact information for WTA and Tri-Met regarding TDM programs. • Ask Tri-Met to specifically target employers along this route and assist, as needed, by coordinating necessary information.
Anticipated completion date	January 2003 – on-going
Program Task	Ask Tri-Met to look at shift times and whether bus times should be altered to capture more employees
Involved parties	Tri-Met, Tigard Planning staff
Specific steps	<ul style="list-style-type: none"> • Send letter requesting Tri-Met’s assistance • Follow-up with Tri-Met to obtain results • Update Council on information and have Council write letter to Tri-Met board supporting service changes, if warranted. • Assist, as needed, with implementation of service changes • Update this task list, if needed, to incorporate additional steps
Anticipated completion date	Letter by February 2003, additional action, as needed, with target action date by 2006
Program Task	Ask Tri-met to geo-code employees to see where employees are coming from to see if line changes would increase ridership
Involved parties	Tri-Met, Tigard Planning staff
Specific steps	<ul style="list-style-type: none"> • Send letter requesting Tri-Met’s assistance • Follow-up with Tri-Met to obtain results • Update Council on information and have Council write letter to Tri-Met board supporting service changes, if warranted. • Assist, as needed, with implementation of service changes • Update this task list, if needed, to incorporate additional steps
Anticipated completion date	Letter by February 2003, additional action, as needed, with target action date by 2006

72nd – Hunziker to Tualatin Transit Center (cont.)

Program Task		Program sidewalk improvements into the CIP
Involved parties		Engineering staff, Finance staff, Tigard City Council, citizens
Specific steps		<ul style="list-style-type: none"> • Engineering solicits recommended projects for inclusion in CIP (Oct 2005 or 2006) • Formal public meetings to present recommendations and solicit comments (Jan/Feb 2005 or 2006) • Recommended CIP presented to Planning Commission • Planning Commission recommended CIP presented to Council for adoption (no later than June 2005 or 2006)
Anticipated completion date		TBD based on CIP priorities and public input – recommended for no later than 2006 (3 years)
Program Task		Consider applying for 2006-10 MTIP funds to help with capital improvement costs
Involved parties		Tigard City Council, Engineering and Planning staff, Washington County Coordinating Committee, Metro
Specific steps		<ul style="list-style-type: none"> • During the next allocation cycle (anticipated to begin 2004) consider this project when determining projects to apply for • If this project is moved forward based on evaluation criteria and likelihood of approval and other jurisdictional priorities, the project will be brought to the WCCC for coordination. • Staff submits application
Anticipated completion date		Take into consideration during next MTIP allocation cycle, however other jurisdictional priorities may supercede this due to MTIP evaluation criteria and Tigard's priorities.

McDonald

Program Task	Program sidewalk improvements into the CIP
Involved parties	Engineering staff, Finance staff, Tigard City Council, citizens
Specific steps	<ul style="list-style-type: none"> • Engineering solicits recommended projects for inclusion in CIP (Oct 2007 or 2008) • Formal public meetings to present recommendations and solicit comments (Jan/Feb 2007 or 2008) • Recommended CIP presented to Planning Commission • Planning Commission recommended CIP presented to Council for adoption (no later than June 2007 or 2008)
Anticipated completion date	TBD based on CIP priorities and public input – recommended for no later than 2008 (5 years)
Program Task	Apply for pedestrian/bike grants for sidewalk improvements
Involved parties	State bike and pedestrian program, Planning Staff, Engineering staff, City Council (for support of proposal)
Specific steps	<ul style="list-style-type: none"> • To be developed
Anticipated completion date	2004-2005

Bonita

Program Task	Publicize existing programs (Tri-Met help)
Involved parties	Tri-Met, Planning staff, Assistant to the City Manager (for public involvement aspect), Ride Connection
Specific steps	<ul style="list-style-type: none"> • Form short term task force (made up of “involved parties” to evaluate service usage and areas for improvement • Prepare specific public outreach plan to target this area for publicity on existing programs • Hold open house and/or distribute mailers on existing services and programs.
Anticipated completion date	Task force formed by February 2003, completed by Feb 2004

72nd – 99W to Hunziker

Program Task	
Work with Tri-Met and WTA to target employers for TDM	
Involved parties	Tri-Met, Tigard Planning staff, WTA
Specific steps	<ul style="list-style-type: none"> • As part of “general” work task to create an informational flyer, provide contact information for WTA and Tri-Met regarding TDM programs. • Ask Tri-Met to specifically target employers along this route and assist as needed, by coordinating necessary information.
Anticipated completion date	January 2003 – on-going
Program Task	
Tri-Met look at shift times and whether bus times should be altered to capture more employees	
Involved parties	Tri-Met, Tigard Planning staff
Specific steps	<ul style="list-style-type: none"> • Send letter requesting Tri-Met’s assistance • Follow-up with Tri-Met to obtain results • Update Council on information and have Council write letter to Tri-Met board supporting service changes, if warranted. • Assist, as needed, with implementation of service changes • Update this task list, if needed, to incorporate additional steps
Anticipated completion date	Letter by February 2003, additional action, as needed, with target action date by 2008
Program Task	
Ask Tri-Met to geo-code employees to see where employees are coming from to see if line changes would increase ridership	
Involved parties	Tri-Met, Tigard Planning staff
Specific steps	<ul style="list-style-type: none"> • Send letter requesting Tri-Met’s assistance • Follow-up with Tri-Met to obtain results • Update Council on information and have Council write letter to Tri-Met board supporting service changes, if warranted. • Assist, as needed, with implementation of service changes • Update this task list, if needed, to incorporate additional steps
Anticipated completion date	Letter by February 2003, additional action, as needed, with target action date by 2008

Bull Mountain

Program Task	None in near or short term
Involved parties	N/A
Specific steps	
Anticipated completion date	

Durham – Hall to Tualatin Transit Center

Program Task	TBD based on priority ranking of frequent bus corridor. No program tasks currently provided in the near or short term
Involved parties	N/A
Specific steps	
Anticipated completion date	

Communication

As part of the implementation of this plan, it is recognized that communication with Council, Tri-Met and funding agencies is vital and important. With that, the following recommendations are provided to ensure effective communication:

- Update Council quarterly regarding current achievements, progress and communications towards full implementation of the Local Service Transit Action Plan. This may be a brief memo or a Council work session, depending on the level of completion and Council action needed.
- Planning staff meet quarterly with Tri-Met senior staff members to discuss current status and next steps.
- Planning staff attend TPAC meetings regularly at Metro to stay closely tuned to regional transit and pedestrian funding issues.
- Planning staff and Council members attend Tri-Met public meetings in the Tigard area.
- Council communicate on a regular basis (after quarterly update from Planning staff) with Tri-Met board members emphasizing Tigard's priorities and needs.

Appendix

A. Tigard's Transportation Service Needs by Geographic Area – detailed matrix

B. Tigard Transit Service Needs Criteria Evaluation and Prioritization

Tigard’s Transportation Service Needs by Geographic Area

Geographic Location For Needed Service	Targeted Population Needs								Existing Infrastructure in Place							
	Priority Social Character	Ethnic Diversity					Life Needs to be Met									
		White	African American	Asian	Other	Total Count	Employment support & Education	Food & Health	Social Programs	ROW area sufficient for transit turn outs & amenities (shelters, benches, etc.)	Lighting	Access to Existing Transit Routes/ services	Sidewalk Access at potential stops	Sidewalk access along route	Comments	
Bonita Road between Hall and 72 nd Avenue	Total Population	1583	15	75	345	2018	16 businesses, 291 employees**			No turn outs	Bonita @ Hall west and east bound	Yes	Yes	Yes	Sidewalks along both sides of road from Hall to 72 nd .	Benches/shelters could be located in easements behind sidewalks
	Low Income					123*	---	---	---	No turn outs	Fanno Creek Drive	Yes	No	Yes		Benches/shelters could be located in easements behind sidewalks
	Seniors	79	0	2	2	83				No turn outs	76 th Avenue west and east bound	Yes	No	Yes		Benches/shelters could be located in easements behind sidewalks
	Youth	410	6	19	137	572				No turn outs	Bonita @ 72 nd Avenue	Yes	Yes	Yes		

SUMMARY

- Total residential population along this route is 2018.
- 21% of this population is a race other than white alone, thus funds targeting minority populations may be helpful
- 28% of the population is under the age of 19 whereas only 4% is over age 65.
- There is no low income census data available to date.
- There are few, if any, life need resources along this route, however access to existing transit routes providing education, employment, food, health and social programs could be attained by connecting to the intersection with Hall (line 76) and 72nd (line 38) via service along this route.
- Sidewalk access and infra-structure is generally in place along this road to support transit facilities, however there is currently insufficient ROW if turn-outs were desired at key intersections. Benches or shelters could be placed in easements behind sidewalks.

* adjusted numbers to reflect known geographic areas of low income

**Includes businesses addressed off of Bonita Road

Geographic Location For Needed Service	Targeted Population Needs																
	Priority Social Character	Ethnic Diversity					Life Needs to be Met			Existing Infrastructure in Place							
		White	African American	Asian	Other	Total Count	Employment support & Education	Food & Health	Social Programs	ROW area sufficient for transit turn outs & amenities (shelters, benches, etc.)		Lighting	Access to Existing Transit Routes/ services	Sidewalk Access at potential stops	Sidewalk access along route	Comments	
Durham Road between 99W and Hall Blvd.	Total Population	4703	19	139	161	5034	70 Businesses, 456 employees**			Yes/No	Locations						
	Low Income					118*	1	17	3	Yes	Durham Road @ 99W East and westbound	Yes	Yes	Yes	Sidewalks along both sides from 99W to Hall		
	Seniors	1535	0	5	19	1559				Yes	East of Summerfield Dr. Westbound	Yes	Yes	Yes		Utilities and grading	
	Youth	987	12	43	72	1114				Yes	West of 113 th Avenue Eastbound	Yes	Yes	Yes		Utilities and grading	
										Yes	108 th Avenue East & westbound	Yes	No	Yes		Utilities and grading	
										Yes	98 th Avenue East & westbound	Yes	No	Yes		Turnouts could be installed w/design of signalized intersection (early spring, 2002)	
										Yes	92 nd Avenue East & westbound	Yes	No	Yes		Utilities and grading	
										No turn outs	Durham @ Hall Blvd.	Yes	Yes	Yes			

SUMMARY

- Total residential population along this route is 5034, however this number does not include the high school populations which includes 1,944 students and approximately 90 employees.
- 7% of this population is a race other than white alone, thus funds targeting minority populations may be helpful
- 22% of the population is under the age of 19, whereas only 30% is over age 65.
- There is no low income census data available to date.
- There are several “life need” resources along this route with the potential of more via access to existing transit routes at Hwy 99 (line 12, 94x and 95x) and at Hall (line 76).
- Sidewalk access and infra-structure is generally in place along this road to support transit facilities. There is currently insufficient ROW if turn-outs were desired at the Durham/Hall and Durham/99 intersections.

* adjusted numbers to reflect known geographic areas of low income
**Includes businesses addressed off of Durham, Hall, 88th, Stratford Lp, 108th and Pacific Hwy.

Geographic Location For Needed Service	Targeted Population Needs								Existing Infrastructure in Place							
	Priority Social Character	Ethnic Diversity					Life Needs to be Met									
		White	African American	Asian	Other	Total Count	Employment support & Education	Food & Health	Social Programs	ROW area sufficient for transit turn outs & amenities (shelters, benches, etc.)		Lighting	Access to Existing Transit Routes/ services	Sidewalk Access at potential stops	Sidewalk access along route	Comments
Yes/ No	Locations															
Durham Road between Hall Blvd. & Tualatin Transit Center	Total Population	649	6	60	27	742	89 businesses/1,059 employees**			No turn outs	No new locations	Yes	Yes	Yes	Both sides from Hall to 72 nd . From 72 nd to Transit Center, sidewalk only on 1 side of road.	No shelters exist, shelters could be placed in easements
	Low Income					0*	2 bus.	1 bus.	---							
	Seniors	26	0	2	0	28										
	Youth	193	1	19	12	225										

SUMMARY

- Total residential population along this route is 742.
- 13% of this population is a race other than white alone, thus funds targeting minority populations may be helpful
- 30% of the population is under the age of 19 whereas only 4% is over age 65.
- There is no low income census data available to date.
- There are few, if any, life need resources along this route, however access to existing transit route providing education, employment, food, health and social programs could be attained via service along this route.
- Sidewalk access and infra-structure is generally in place along this road to support transit facilities, however there is currently insufficient ROW if turn-outs were desired at key intersections. Benches or shelters could be placed in easements behind sidewalks.

* adjusted numbers to reflect known geographic areas of low income

**Includes businesses addressed off of Durham and 74th

Tigard’s Transportation Service Needs by Geographic Area

Geographic Location For Needed Service	Targeted Population Needs																
	Priority Social Character	Ethnic Diversity					Life Needs to be Met			Existing Infrastructure in Place							
			White	African American	Asian	Other	Total Count	Employment support & Education	Food & Health	Social Programs	ROW area sufficient for transit turn outs & amenities (shelters, benches, etc.)		Lighting	Access to Existing Transit Routes/ services	Sidewalk Access at potential stops	Sidewalk access along route	Comments
										Yes/No	Locations						
McDonald Street between 99W and Hall Blvd.	Total Population	2600	39	94	236	2969	----			No turn outs	99W and McDonald St.	Yes	Yes	No	Spotty from 97 th to 100 th .	Note- Bike lanes existing on both sides of McDonald	
	Low Income					64*	----	----	-----	No turn outs	East of 103 rd ave.	Yes	No	No	No sidewalks along McDonald from 100 th to 99W	Shelters in easements	
	Seniors	285	1	2	4	292				No turn outs	O'Mara Street east and westbound	Yes	No	Yes		Shelters in easements	
	Youth	602	11	24	95	732				No turn outs	Hall Blvd. @ McDonald	Yes	Yes	Yes		Shelters in easements	

SUMMARY

- Total residential population along this route is 3049.
- 10% of this population is a race other than white alone, thus funds targeting minority populations may be helpful
- 26% of the population is under the age of 19 whereas only 11% is over age 65.
- There is no low income census data available to date.
- There are few, if any, life need resources along this route, however access to existing transit routes providing education, employment, food, health and social programs could be attained via connections to 99W (line 12) and Hall (line 76).
- Sidewalk access and infra-structure is limited along this road and there is currently insufficient ROW if turn-outs were desired at key intersections. Benches or shelters could be placed in easements behind sidewalks. There is infrastructure investment needed to support transit routes.

* adjusted numbers to reflect known geographic areas of low income

Geographic Location For Needed Service	Targeted Population Needs						Existing Infrastructure in Place										
	Priority Social Character	Ethnic Diversity					Life Needs to be Met										
		White	African American	Asian	Other	Total Count	Employment support & Education	Food & Health	Social Programs	ROW area sufficient for transit turn outs & amenities (shelters, benches, etc.)		Lighting	Access to Existing Transit Routes/ services	Sidewalk Access at potential stops	Sidewalk access along route	Comments	
Gaarde Street between 99W and Barrows Road	Total Population	6030	88	620	491	7229		-----		Yes/No	Locations						
		No	99W @ Gaarde east & westbound														
		No turn outs	112 th Ave East and westbound														
	Low Income					382	-----	-----	-----	No turn outs	115 th Ave East and westbound	Yes	No	Yes	“	Shelters could be incorporated into 02/02 Gaarde St. improvements	
		No turn outs	121 st ave east and westbound	Yes	No	Yes				Both sides 121 st to Walnut & 132nd	Shelters could be incorporated into 02/02 Gaarde St. improvements						
		No turn outs	129 th ave east and westbound	Yes	No	Yes				“	Shelters & benches in easements						
	Seniors	472	1	24	7	504				No turn outs	132 nd ave east and westbound	Yes	No	Yes	“	Shelters and benches in easements	
		No turn outs	Walnut Street @ 132 nd East and westbound	Yes	No	Yes				1 side of road	Westbound may have room for turnout East bound no room						
	Youth	1815	39	228	232	2314				No	135 th ave @ Walnut	Yes	No	Yes	Both sides Benish to Northview	Westbound shelter could be installed on City property	
		No turn outs	Walnut st. @ Barrows Rd. east and westbound	Yes	No	Yes				1 side in front of Albertson’s	Westbound turnout could be installed on City property						

SUMMARY

- Total residential population along this route is 7229.
- 17% of this population is a race other than white alone, thus funds targeting minority populations may be helpful
- 32% of the population is under the age of 19 whereas only 6% is over age 65.
- There is no low income census data available to date.
- There are few, if any, life need resources along this route (other than at the intersection with 99W), however access to existing transit routes providing education, employment, food, health and social programs could be attained via connection to 99W (line 12) and Scholls Ferrt (line 62).
- Sidewalk access and infra-structure is generally in place along this road to support transit facilities, however there is currently insufficient ROW if turn-outs were desired at key intersections. Benches or shelters could be placed in easements behind sidewalks and could be incorporated into 02/2002 Gaarde St. improvements in several locations.

Geographic Location For Needed Service	Targeted Population Needs									Existing Infrastructure in Place						
	Priority Social Character	Ethnic Diversity					Life Needs to be Met									
		White	African American	Asian	Other	Total Count	Employment support & Education	Food & Health	Social Programs	ROW area sufficient for transit turn outs & amenities (shelters, benches, etc.)	Lighting	Access to Existing Transit Routes/ services	Sidewalk Access at Potential stops	Sidewalk access along route	Comments	
72 nd Avenue between 99W and Hampton Street	Total Population	702	15	17	80	814	93 Businesses/1044 employees**			No turn outs	72 nd Avenue @ 99W	Yes	Yes	Yes	1 side for portions between 99W and Dartmouth	
	Low Income					61	6	6	4	No turn outs	Dartmouth East and westbound	Yes	No	Yes	None between Dartmouth and Hermoso	
	Seniors	78	0	1	1	80				No turn outs	Beveland East and westbound	Yes	Yes	Yes	1 side Hermoso to Beveland	Eastbound shelters could be installed in front of Lowes Home Improvements. Westbound shelters in easements
	Youth	134	3	1	31	169				No turn outs	Hampton Street @ 72 nd	Yes	Yes	yes	1 side from Beveland to Hampton	

SUMMARY

- Total residential population along this route is 814.
- 14% of this population is a race other than white alone, thus funds targeting minority populations may be helpful
- 20% of the population is under the age of 19 whereas only 9% is over age 65.
- There is no low income census data available to date.
- There are several life need resources along this route. Existing bus service (line 78) provides service every 30 minutes within walking distance of 72nd. Additional access to existing transit routes providing education, employment, food, health and social programs could be attained via connections to other transit lines along this route.
- Sidewalk access and infra-structure is generally in place along this road to support transit facilities, however there is currently insufficient ROW if turn-outs were desired at key intersections. Benches or shelters could be placed in easements behind sidewalks.

**Includes businesses addressed off of 72nd, Clinton, Dartmouth Beveland, Gonzaga and Hampton (7000 Block only)

Tigard’s Transportation Service Needs by Geographic Area

Geographic Location For Needed Service	Targeted Population Needs								Existing Infrastructure in Place							
	Priority Social Character	Ethnic Diversity					Life Needs to be Met									
		White	African American	Asian	Other	Total Count	Employment support & Education	Food & Health	Social Programs	ROW area sufficient for transit turn outs & amenities (shelters, benches, etc.)		Lighting	Access to Existing Transit Routes/ services	Sidewalk Access to potential stops	Sidewalk access along route	Comments
72nd Avenue between Hunziker Street and Tualatin Transit Center	Total Population	620	4	29	167	820	387 businesses/7,491 employees**			No turn outs	No new locations	Yes	Yes	Yes	At least 1 side for most of this section. Occasional spots with both sides or none	No shelters. Benches exist. Shelters could be placed in easements
	Low Income					89*	6 bus.	25 bus.	6 bus.							
	Seniors	42	0	3	2	47										
	Youth	147	3	7	57	214										

SUMMARY

- Total residential population along this route is 820.
- 24% of this population is a race other than white alone, thus funds targeting minority populations may be helpful
- 26% of the population is under the age of 19 whereas only 5% is over age 65.
- There is no low income census data available to date.
- There are significant opportunities for access to life need resources along this route. Existing bus service (line 38) exists but only runs every 30 minutes during peak hours. Access to additional resources could be attained with access to additional routes at the Tualatin transit center.
- There is a significant employee population along this route.
- Sidewalk access and infra-structure is generally in place along this road to support transit facilities, however there is currently insufficient ROW if turn-outs were desired at key intersections. Benches exist and shelters could be placed in easements behind sidewalks.

* adjusted numbers to reflect known geographic areas of low income

**Includes businesses addressed off of 72nd, Hunziker, Varns, Fir Ln., Sandburg, Tech Center, Landmark, Bonita Rd., Sequioia Pkwy, Cardinal Ln, Redwood Ln, Kable Ln, and Upper Boones Ferry

Geographic Location For Needed Service	Targeted Population Needs															
	Priority Social Character	Ethnic Diversity					Life Needs to be Met			Existing Infrastructure in Place						
		White	African American	Asian	Other	Total Count	Employment support & Education	Food & Health	Social Programs	ROW area sufficient for transit turn outs & amenities (shelters, benches, etc.)		Lighting	Access to Existing Transit Routes/ services	Sidewalk Access at potential stops	Sidewalk access along route	Comments
Bull Mountain Road between 99w and Barrows Rd.	Total Population	4922	59	386	258	5625	-----			No turn outs	99W @ Bull Mtn Rd East and westbound	Yes	Yes	Yes	Generally no sidewalks from ¼ mile west of 99W to Roshak	Shelters could be in easements
										No turn outs	Aspen Ridge Dr. East and westbound	Yes	No	Yes		Shelters could be in easements
	Low Income					173*	-----	-----	-----	No turn outs	Terraview Drive East and westbound	Yes	No	Yes		Shelters could be in easements
										No turn outs	Benchview Terrace Westbound	Yes	No	Yes	Both sidesBenchview to Peachtree	Shelters could be in easements
	Seniors	401	1	11	5	418				No turn outs	Peachtree Drive Eastbound	Yes	No	Yes		Shelters could be in easements
										No	Roshak Rd @ Uplands Dr. east & westbound	Yes	No	Yes	Roshak, Uplands to Barrows sidewalks, both sides	Roshak Rd. & Uplands Dr. are not built for bus traffic
	Youth	1418	14	110	106	1648				No	Uplands Dr. @ Snapdragon Ln – east & west bound	Yes	No	Yes		Uplands Dr. is not built for bus traffic
										No turn outs	Uplands Dr. @ Barrows Rd.	Yes	No	Yes		Uplands Dr. is not built for bus traffic

SUMMARY

Total residential population along this route is 5625.

12% of this population is a race other than white alone, thus funds targeting minority populations may be helpful

29% of the population is under the age of 19 whereas only 7% is over age 65.

There is no low income census data available to date.

There are few, if any, life need resources along this route. Access to existing transit routes providing education, employment, food, health and social programs could be attained by providing access to existing transit along Highway 99.

Sidewalk access and infra-structure is generally in place along this road to support transit facilities, however there is currently insufficient ROW if turn-outs were desired at key intersections. Benches or shelters could be placed in easements behind sidewalks. Several portions (Roshak Rd and Uplands) are not built for bus traffic.

*** question accuracy of this number but can not locate reason for anomaly. Recommend take this into account during prioritization.**

- Meets Council target – Max points
 ◐ Partially meets Council target – Half points
 ○ Does not meet Council target - Zero points

	Population					Life Needs				Other			Ranking score DRAFT for evaluation only
	Total population (max 8 pts)	Minority (max 2 pts)	Youth (max 10 pts)	Senior (max 10 points)	Low income (max 10 pts)	Employment support & education (max 4 pts)	Food and health (max 4 pts)	Social programs (max 4 pts)	Employee population (max 4 pts)	Existing infrastructure in place ¹ (max 2 pts)	Route identified in TSP (max 2 pts)	Existing transit opportunities (max 2 pts)	
Bonita Rd. – Hall Blvd to 72 nd Ave.	◐	●	◐	○	◐	○	○	○	◐	●	●	●	24
Durham Rd.– 99W to Hall Blvd	●	○	◐	●	◐	◐	●	◐	◐	●	●	●	44
Durham Rd. – Hall Blvd. to Tualatin TC	○	◐	◐	○	○	◐	◐	○	●	●	○	●	18
McDonald St. – 99W to Hall Blvd.	●	○	◐	●	○	○	○	○	○	◐	●	◐	27
Gaarde St. – 99W to Barrows Rd.	●	●	●	◐	●	○	○	○	○	●	●	◐	40
72 nd Ave. – 99W to Hampton St	○	◐	○	◐	○	●	●	◐	●	◐	○	●	23
72 nd Ave.– Hunziker St. to Tualatin TC	○	●	◐	○	○	●	●	●	●	◐	○	◐	25
Bull Mountain Rd. – 99W to Barrows Rd.	●	◐	◐	◐	***	○	○	○	○	○ ²	○	◐	20/30

***Need to research this further. Based on census data, this area ranks as having 2nd highest low income population, but knowledge of area does not support this.

¹ In most cases there is insufficient ROW for bus turn-outs at key intersections, however, this is not reflected in the measurement because Tri-Met has indicated that they are re-looking at the provision for turn-outs and are likely to be going away from this design.

² Bull Mountain has sidewalk access to key transit stops, however, because several portions of the identified route are unable to accommodate bus traffic, it only received a partial rating.

(Key located on page 2, Appendix A)

	●	◐	○
Total population	>2500	1001-2500	1000 or fewer
Minority	> 15%	11-15%	10% or less
Youth	>30%	21-30%	20% or less
Senior	>10%	6-10%	5% or less
Low Income ¹	200 + low income residents within ¼ mile of route	100-200 low income residents within ¼ mile of route	0-100 low income residents within ¼ mile of route
Employment support & education ²	More than 5 businesses serving this need along route	1 to 5 businesses serving this need along route	No businesses serving this need along route
Food and health ³	More than 5 businesses serving this need along route	1 to 5 businesses serving this need along route	No businesses serving this need along route
Social programs ⁴	More than 5 businesses serving this need along route	1 to 5 businesses serving this need along route	No businesses serving this need along route
Employee population (based on business tax data)	More than 1000 employees	1-1000 employees	No employees
Existing infrastructure in place ⁵	Significant infrastructure (sidewalks, lighting, ROW or easements for amenities) in place to support transit with little additional improvement	Some infrastructure investment needed to support transit	Very little existing infrastructure in place, significant investment needed to support transit and/or it would be difficult to provide infrastructure due to ROW issues
Route identified in TSP	Yes	---	No or existing
Existing transit opportunities	Existing transit service on route, access to more than one existing transit route if transit were provided along this route	Access to at least 1 transit route that provides service into Tigard ⁶	No access to transit that carries traffic into Tigard

- 1 Low income data based on block group census data adjusted to compensate for low income areas outside of the 1/4 mile area being reviewed for a specific route. The numbers are only approximate.
- 2 Employment support & education businesses included Daycare centers, employment/temp agencies, schools, and labor unions.
- 3 Food and health businesses included Medical/Dental offices, eating and drinking establishments, grocery/convenience stores, physical fitness businesses, and massage therapy/acupuncture.
- 4 Social programs businesses included counseling services, Non-profit relief and aid organizations, and Senior, disabled and veteran services.
- 5 In most cases there is insufficient ROW for bus turn-outs at key intersections, however, this is not reflected in the measurement because Tri-met has indicated that they are re-looking at the provision for turn-outs and are likely going to be going away from this design.
- 6 i.e., making several stops and route changes within Tigard to pick up and distribute Tigard traffic in Tigard, serving internal transit needs.

AGENDA ITEM # _____
FOR AGENDA OF 12-10-02

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Authorize signing the Senate Bill 122 Urban Services Agreement (USA)

PREPARED BY: Julia Hajduk DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Review the SB 122 Urban Service Agreement and determine if the Mayor should sign the agreement.

STAFF RECOMMENDATION

Adopt the attached resolution (Attachment 1) authorizing the Mayor to sign the agreement on behalf of the City of Tigard.

INFORMATION SUMMARY

Senate Bill 122 requires counties to coordinate service provider agreements for urbanizable areas to identify who the ultimate service provider will be. A signed USA is also a requirement for proceeding with an annexation plan. Washington County has been working with a SB122 Management Oversight Committee for several years to develop agreed upon principles so that all USA's could be similar in format and content.

Because of Tigard's interest in examining the Bull Mountain area, the County determined that we would be among the first cities in Washington County to develop and sign the agreement. The City of Tigard, Washington County and the specific service providers (Clean Water Services, Tri-Met, Tualatin Hills Park and Recreation District, Tualatin Valley Fire and Rescue, and Tualatin Valley Water District) have been coordinating their comments and issues. The final USA is included as Exhibit A.

The USA specifies how the provision of urban services will be provided for the specific services required by SB 122. The agreement also specifies that Tigard will be the sole provider of parks for the unincorporated area. The agreement states that the County will study the feasibility of collecting a parks SDC for the urbanizable area. The City of Tigard Departments including Engineering, Public Works, Police, Community Development and Administration have reviewed and commented on the Urban Services Agreement. Attachment 2 provides a general summary of the service and who will be the ultimate provider upon annexation. It also provides a summary of the major issues for all services included in the agreement.

OTHER ALTERNATIVES CONSIDERED

Not applicable

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management, Goal #2 – Urban services are provided to all citizens within Tigard's urban growth boundary and recipients of services pay their share.

ATTACHMENT LIST

Attachment 1: Resolution authorizing the Mayor to sign the Urban Service Agreement
Exhibit A: Urban Service Agreement

Attachment 2: Summary of Urban Service Agreement

FISCAL NOTES

Not applicable

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CITY OF TIGARD, OREGON

RESOLUTION NO. 02-_____

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE URBAN SERVICE AGREEMENT ON BEHALF OF THE CITY OF TIGARD.

WHEREAS, ORS 195.025(1) requires METRO, through its regional coordination responsibilities, to review urban service agreements affecting land use, including planning activities of the counties, cities, special districts, state agencies; and

WHEREAS, ORS 195.020(4)(e) requires cooperative agreements to specify the units of local government which shall be parties to an urban service agreement under ORS 195.065; and

WHEREAS, ORS 195.065(1) requires units of local government that provide an urban service within an urban growth boundary to enter into an urban service agreement that specifies the unit of government that will deliver the services, sets forth the functional role of each service provider, determines the future service area, and assigns responsibilities for planning and coordination of services; and

WHEREAS, ORS 195.075(1) requires urban service agreements to provide for the continuation of an adequate level of urban services to the entire area that each provider serves and to specify if there is a significant reduction in the territory of a special service district; and

WHEREAS, ORS 195.075(1) requires that if there is a significant reduction in territory, the agreement shall specify how the remaining portion of the district is to receive services in an affordable manner; and

WHEREAS, Statewide Planning Goals 2, 11, and 14 require cities and counties to plan, in cooperation with all affected agencies and special districts, for the urbanization of lands within an urban growth boundary, and ensure the timely, orderly, and efficient extension of public facilities and urban services; and

WHEREAS, Washington County has prepared and coordinated Tigard's Urban Service Agreement between the City of Tigard, Washington County, Clean Water Services, Tigard Water District, Tri-Met, Tualatin Hill Park and Recreation District, Tualatin Valley Fire and Rescue, and Tualatin Valley Water District; and

WHEREAS, the TUSA which has been prepared has been reviewed by the following City Departments: Public Works, Engineering, Police, Community Development and Administration and the provisions are acceptable to these Departments.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Mayor is authorized to sign the final Urban Service Agreement document (Exhibit A).

SECTION 2: The signed document will be forwarded to Washington County for compilation of all signature pages. Once a final document with all signatures is forwarded to the City the Urban Service Agreement will be in effect.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2002.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

TIGARD URBAN SERVICE AGREEMENT

November 26, 2002

This AGREEMENT is made and entered into by and between Washington County, a municipal corporation of the State of Oregon, hereinafter "COUNTY," the City of Tigard, a municipal corporation of the State of Oregon, hereinafter "CITY," Metro, a metropolitan service district of the State of Oregon, hereinafter "METRO," and the following Special Districts of the State of Oregon, hereinafter "DISTRICT(S),"

Clean Water Services;
Tigard Water District;
Tri-Met;
Tualatin Hills Park and Recreation District;
Tualatin Valley Fire and Rescue District; and
Tualatin Valley Water District

RECITALS

WHEREAS, ORS 195.025(1) requires METRO, through its regional coordination responsibilities, to review urban service agreements affecting land use, including planning activities of the counties, cities, special districts, state agencies; and

WHEREAS, ORS 195.020(4)(e) requires cooperative agreements to specify the units of local government which shall be parties to an urban service agreement under ORS 195.065; and

WHEREAS, ORS 195.065(1) requires units of local government that provide an urban service within an urban growth boundary to enter into an urban service agreement that specifies the unit of government that: will deliver the services, sets forth the functional role of each service provider, determines the future service area, and assigns responsibilities for planning and coordination of services; and

WHEREAS, ORS 195.065(1) and (2) require that the COUNTY shall be responsible for:

1. Convening representatives of all cities and special districts that provide or declare an interest in providing an urban service inside an urban growth boundary within the county that has a population greater than 2,500 persons for the purpose of negotiating an urban service agreement;
2. Consulting with recognized community planning organizations within the area affected by the urban service agreement; and

3. Notifying Metro in advance of meetings to negotiate an urban service agreement to enable Metro's review; and

WHEREAS, ORS 195.075(1) requires urban service agreements to provide for the continuation of an adequate level of urban services to the entire area that each provider serves and to specify if there is a significant reduction in the territory of a special service district; and

WHEREAS, ORS 195.075(1) requires that if there is a significant reduction in territory, the agreement shall specify how the remaining portion of the district is to receive services in an affordable manner; and

WHEREAS, ORS 195.205 TO 195.235 grant authority to cities and districts (as defined by ORS 198.010) to annex lands within an urban growth boundary, subject to voter approval, if the city or district enacts an annexation plan adopted pursuant to ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335, and 223.304, and if the city or district has entered into urban service agreements with the county, cities and special districts which provide urban services within the affected area; and

WHEREAS, ORS 197.175 requires cities and counties to prepare, adopt, amend, and revise their comprehensive plans in compliance with statewide planning goals, and enact land use regulations to implement their comprehensive plans; and

WHEREAS, Statewide Planning Goals 2, 11, and 14 require cities and counties to plan, in cooperation with all affected agencies and special districts, for the urbanization of lands within an urban growth boundary, and ensure the timely, orderly, and efficient extension of public facilities and urban services.

NOW, THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

I. ROLES AND RESPONSIBILITIES

- A. Parties to this AGREEMENT shall provide land use planning notice to each other in accordance with the provision of the "Cooperative Agreements," developed per ORS 195.020(4)(e).
- B. The parties to this AGREEMENT are designated as the appropriate provider of services to the citizens residing within their boundaries as specified in this AGREEMENT.

- C. The CITY is designated as the appropriate provider of services to citizens residing within its boundaries and to adjacent unincorporated areas subject to this AGREEMENT as shown on Map A, except for those services that are to be provided by another party as specified in this AGREEMENT.
- D. The CITY and COUNTY will be supportive of annexations to the CITY over time. The CITY shall endeavor to annex the unincorporated areas shown on Map A, in keeping with the following schedule:
 - 1. Near to mid-term (3 to 5 years): Bull Mountain area and unincorporated lands north of the Tualatin River and south of Durham Road and
 - 2. Far-term (10 years or later): Metzger area.
- E. Pursuant to ORS 195.205, the CITY and DISTRICTS reserve the right and may, subsequent to the enactment of this AGREEMENT, develop an annexation plan or plans in reliance upon this AGREEMENT in accordance with ORS 195.205 to 220.
- F. In keeping with the *County 2000 Strategic Plan* or its successor, the COUNTY will focus its energies on those services that provide county-wide benefit and transition out of providing municipal services that may benefit specific geographic areas or districts. The COUNTY recognizes cities and special service districts as the ultimate municipal service providers as specified in this AGREEMENT. The COUNTY also recognizes cities as the ultimate local governance provider to the urban area.
- G. Within twelve months of the effective date of this AGREEMENT and prior to any consolidation or transfer of duties or any single or multiple annexations totaling twenty acres, the parties shall identify any duties performed by the parties that will or may be assumed or transferred from one party to another party by annexation, consolidation or agreement. The affected parties shall identify how the duties will be transferred or assumed, including the transfer of employees and equipment. The process to transfer duties, employees and equipment shall account for the cumulative effects of annexation, consolidation and transfer by agreement. This process shall also address large scale annexations and the large scale transfer of duties by consolidation or agreement. In the event the affected parties cannot agree upon the processes to transfer duties, employees and equipment, the provisions of Section VII of this AGREEMENT shall be used to resolve the dispute.
- H. The COUNTY shall have the responsibility for convening representatives for the purpose of amending this AGREEMENT, pursuant to ORS 195.065(2)(a).

II. AGREEMENT COORDINATION

- A. Existing intergovernmental agreements that are consistent with this AGREEMENT shall remain in force. This AGREEMENT shall control provisions of existing intergovernmental agreements that are inconsistent with the terms of this AGREEMENT. This AGREEMENT does not preclude any party from amending an

existing inter-governmental agreement or entering into a new inter-governmental agreement with one or more parties for a service addressed in this AGREEMENT, provided such an agreement is consistent with the provisions of this AGREEMENT.

- B. The CITY and COUNTY have entered into an intergovernmental agreement for the CITY provision of building, land development and specific road services on behalf of the COUNTY to the unincorporated lands in the Bull Mountain area.
- C. CITY and COUNTY shall endeavor to take all action necessary to cause their comprehensive plans to be amended to be consistent with this AGREEMENT within twelve months of execution of this AGREEMENT, but no later than sixteen months from the date of execution.

III. AREA AFFECTED BY AGREEMENT

This AGREEMENT applies to the Tigard Urban Service Area (TUSA) as shown on Map A and properties added to the Regional Urban Growth Boundary (UGB) that are to be annexed to the CITY in the future as described below in Section VIII.

IV. URBAN SERVICE PROVIDERS

- A. The service provisions of this AGREEMENT, as described in Exhibits A through G, establish the providers and elements of urban services for the geographic area covered in this AGREEMENT; and
- B. The following urban services are addressed in this AGREEMENT:
 - 1. Fire Protection and Emergency Services (Exhibit A);
 - 2. Public Transit (Exhibit B);
 - 3. Law Enforcement (Exhibit C);
 - 4. Parks, Recreation, and Open Space (Exhibit D);
 - 5. Roads and Streets (Exhibit E);
 - 6. Sanitary Sewer and Storm Water (Exhibit F); and
 - 7. Water Service (Exhibit G).

V. ASSIGNABILITY

No assignment of any party's rights or obligations under this AGREEMENT to a different, new or consolidated or merged entity shall be effective without the prior consent of the other parties affected thereby. Any party to this AGREEMENT who proposes a formation, merger, consolidation, dissolution, or other major boundary change shall notify all other parties of the availability of the reports or studies required by Oregon State Statutes to be prepared as part of the proposal.

VI. EFFECTIVE DATE OF AGREEMENT

This AGREEMENT shall become effective upon full execution by all parties.

VII. TERM OF THE AGREEMENT

This AGREEMENT shall continue to be in effect as long as required under state law.
The COUNTY shall be responsible for convening the parties to this AGREEMENT for the review or modification of this AGREEMENT, pursuant to Section VIII.

VIII. PROCESS FOR REVIEW AND MODIFICATION OF THE AGREEMENT

- A. Parties shall periodically review the provisions of this AGREEMENT in order to evaluate the effectiveness of the processes set forth herein and to propose any necessary or beneficial amendments to address considerations of ORS 195.070 and ORS 195.075.
- B. Any party may propose modifications to this agreement to address concerns or changes in circumstances.
- C. The body of this AGREEMENT (Recitals and Sections I through IX) may only be changed by written consent of all affected parties. Amendments to the exhibits of this AGREEMENT may be made upon written consent of the parties identified in each exhibit.
- D. The periodic review of this AGREEMENT and all proposed modifications to this AGREEMENT shall be coordinated by the COUNTY. All requests for the periodic review of this AGREEMENT and all proposed modifications shall be considered in a timely manner and all parties shall receive notice of any proposed amendment. Only those parties affected by an amendment shall sign the amended agreement. All amendments that include boundary changes shall comply with Chapter 3.09 of the METRO Code or its successor.
- E. Lands added to the Regional Urban Growth Boundary that are determined to be annexed to the CITY in the future by separate process, such as an Urban Reserve Plan, shall be subject to this AGREEMENT. The appropriate service providers to new urban lands for the services addressed in this AGREEMENT shall be determined through the provisions of this Section unless those determinations are made through the development of an Urban Reserve Plan and all affected parties agree to the service determinations. This AGREEMENT shall be amended to address new urban lands and reflect the service provider determinations consistent with the provisions of this Section.

IX. DISPUTE RESOLUTION

If a dispute arises between or among the parties regarding breach of this AGREEMENT or interpretation of any term thereof, those parties shall first attempt to resolve the dispute by negotiation prior to any other contested case process. If negotiation fails to resolve the dispute, the parties agree to submit the matter to non-binding mediation. Only after these steps have been exhausted will the matter be submitted to arbitration.

Step 1 – Negotiation. The managers or other persons designated by each of the disputing parties will negotiate on behalf of the entities they represent. The issues of the dispute shall be reduced to writing and each manager shall then meet and attempt to resolve the issue. If the dispute is resolved with this step, there shall be a written determination of such resolution signed by each manager, which shall be binding upon the parties.

Step 2 – Mediation. If the dispute cannot be resolved within 30 days of initiation of Step 1, a party shall request in writing that the matter be submitted to non-binding mediation. The parties shall use good-faith efforts to agree on a mediator. If they cannot agree, the parties shall request a list of five mediators from an entity or firm providing mediation services. The parties will attempt to mutually agree on a mediator from the list provided, but if they cannot agree, each party shall select one name and the two mediators shall jointly select a third mediator. The dispute shall be heard by the third mediator and any common costs of mediation shall be borne equally by the parties, who shall each bear their own costs and fees therefore. If the issue is resolved at this Step, then a written determination of such resolution shall be signed by each manager and shall be binding upon the parties.

Step 3 – Arbitration. After exhaustion of Steps 1 and 2 above, the matter shall be settled by binding arbitration in Washington County, Oregon, in accordance with the Commercial Arbitration Rules of the American Arbitration Association, the rules of the Arbitration Service of Portland, or any other rules mutually agreed to, pursuant to ORS 190.710-790. The arbitration shall be before a single arbitrator; nothing shall prevent the parties from mutually selecting an arbitrator or panel thereof who is not part of the AAA panel and agreeing upon arbitration rules and procedures. The cost of arbitration shall be shared equally. The arbitration shall be held within 60 days of selection of the arbitrator unless otherwise agreed to by the parties. The decision shall be issued within 60 days of arbitration.

X. SEVERABILITY CLAUSE

If any portion of this AGREEMENT is declared invalid, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this AGREEMENT.

XI. SIGNATURES OF PARTIES TO AGREEMENT

In witness whereof, this AGREEMENT is executed by the authorized representatives of the COUNTY, CITY, DISTRICTS, and METRO. The parties, by their representative's signatures to this AGREEMENT, signify that each has read the AGREEMENT, understands its terms, and agrees to be bound thereby.

CITY OF TIGARD

By: _____
James E. Griffith, Mayor

_____ Date

Approved as to Form:

By: _____
City Attorney

TUALATIN VALLEY FIRE AND RESCUE DISTRICT

By: _____
Chairman, Board of Directors Date _____

Approved as to Form:

By: _____
District Counsel

TUALATIN HILLS PARK AND RECREATION DISTRICT

By: _____
President, Board of Directors Date _____

Approved as to Form:

By: _____
District Counsel

TRI-MET

By: _____
General Manager

_____ Date

Approved as to Form:

By: _____
District Counsel

CLEAN WATER SERVICES

By: _____
Tom Brian, Chair
Board of Directors

_____ Date

Approved as to Form:

By: _____
District Counsel

TIGARD WATER DISTRICT

By: _____
Chairman, Board of Directors

_____ Date

Approved as to Form:

By: _____
District Counsel

TUALATIN VALLEY WATER DISTRICT

By: _____
Chairman, Board of Directors

_____ Date

Approved as to Form:

By: _____
District Counsel

WASHINGTON COUNTY

By: _____
Tom Brian, Chair
Board of Commissioners

_____ Date

Approved as to Form:

By: _____
County Counsel

METRO

By: _____
Presiding Officer

_____ Date

Approved as to Form:

By: _____
Legal Counsel

EXHIBIT A

PROVISIONS OF AGREEMENT FOR FIRE PROTECTION AND PUBLIC EMERGENCY SERVICES

TUALATIN VALLEY FIRE AND RESCUE DISTRICT, CITY and COUNTY agree:

1. That the TUALATIN VALLEY FIRE AND RESCUE DISTRICT (TVFR) is and shall continue to be the sole provider of fire protection services to the Tigard Urban Service Area (TUSA) shown on Map A.
2. That TVFR, CITY and COUNTY are and shall continue to provide emergency management response services to the TUSA.
3. That TVFR is and shall continue to be the sole provider of all other public emergency services to the TUSA, excluding law enforcement services.

EXHIBIT B

PROVISIONS OF AGREEMENT FOR PUBLIC TRANSIT SERVICE

TRI-MET, CITY, COUNTY and METRO agree:

1. That TRI-MET, pursuant to ORS Chapter 267, is currently the sole provider of public mass transit to the Tigard Urban Service Area (TUSA) shown on Map A. Future options for public mass transit services to the TUSA may include public/private partnerships to provide rail or other transit service, CITY operated transit service, and transit service by one or more public agency to all or part of the area.
2. That TRI-MET shall work with the COUNTY, CITY, and METRO to provide efficient and effective public mass transit services to the TUSA.

EXHIBIT C

PROVISIONS OF AGREEMENT FOR LAW ENFORCEMENT

COUNTY and CITY agree:

1. That as annexations occur within the Tigard Urban Service Area shown on Map A, the CITY will assume law enforcement services and the area will be withdrawn from the Enhanced Sheriff's Patrol District. The Sheriff's Office will continue to provide law enforcement services identified through the Cogan Law Enforcement Project and those services mandated by state law. Eventually, the Enhanced Sheriff's Patrol District, consistent with its conditions of formation, will be eliminated when annexations on a county-wide basis reach a point where the function of the District is no longer economically feasible.
2. That over time as annexations occur within the urban unincorporated area, the primary focus of the Sheriff's office will be to provide programs that are county-wide in nature or serve the rural areas of the COUNTY. The Sheriff's office will continue to maintain needed service levels and programs to ensure the proper functioning of the justice system in the COUNTY. The Sheriff's Office will also continue to provide available aid to smaller cities (e.g., Banks and North Plains) for services specified in the COUNTY'S mutual aid agreement with those cities upon their request. The Sheriff's Office will also consider requests to provide law enforcement services to cities on a contractual basis consistent with the COUNTY's law enforcement contracting policy.
3. That the COUNTY and CITY and other Washington County cities, through the Cogan Law Enforcement Project, shall determine the ultimate functions of the Sheriff's Office that are not mandated by state law.
4. That the COUNTY and CITY shall utilize comparable measures of staffing that accurately depict the level of service being provided to residents of all local jurisdictions in the COUNTY.

EXHIBIT D

PROVISIONS OF AGREEMENT FOR PARKS, RECREATION AND OPEN SPACE

CITY, TUALATIN HILLS PARK AND RECREATION DISTRICT (THPRD), COUNTY, and METRO agree:

1. That the CITY shall be the designated provider of park, recreation and open spaces services to the Tigard Urban Service Area (TUSA) shown on Map A. Actual provision of these services by the CITY to lands within the TUSA is dependent upon lands being annexed to the CITY. Within the Metzger Park Local Improvement District (LID), the CITY will be a joint provider of services. The CITY and THPRD, however, may also enter into inter-governmental agreements for the provision of park, recreation and open space services to residents within each other's boundaries, such as the joint use of facilities or programs. This provision does not preclude future amendments to this AGREEMENT concerning how park, recreation and open space services may be provided within the TUSA.
2. That the CITY and the COUNTY should further examine the feasibility of creating a park and recreation district for the TUSA.
3. That standards for park, recreation, and open space services within the TUSA will be as described in the CITY'S park master plan.
4. That the CITY and COUNTY are supportive of the concept of a parks systems development charge as a method for the future acquisition and development of parks lands in the TUSA that are outside of the CITY. The CITY and COUNTY agree to study the feasibility of adopting such a systems development charge for lands outside of the CITY.
5. That at the next update of its parks master plan, the CITY shall address all the lands within the TUSA.
6. That the Metzger Park LID shall remain as a special purpose park provider for as long as a majority of property owners within the LID wish to continue to pay annual levies for the operation and maintenance of Metzger Park. The CITY and COUNTY also agree to the continuation of the Metzger Park Advisory Board. However, the COUNTY as administrator of the LID, may consider contracting operation and maintenance services to another provider if that option proves to be more efficient and cost-effective. This option would be presented and discussed with the Park Advisory Board before the COUNTY makes a decision.
7. That continuation of the Metzger Park LID shall not impede provision of parks, and eventually recreation services, to the Metzger Park neighborhood by the CITY. Continuation of the Metzger Park LID will be considered as providing an additional level of service to the neighborhood above and beyond that provided by the CITY.

8. That the CITY and COUNTY will coordinate with Metro to investigate funding sources for acquisition and management of parks which serve a regional function.
9. That Metro may own and be the provider of region-wide parks, recreation and open space facilities within the TUSA. Metro Greenspace and Parks facilities typically are to serve a broader population base than services provided to residents of the TUSA by the CITY. Where applicable, the CITY, COUNTY, and METRO will aspire to coordinate facility development, management and services.

EXHIBIT E

PROVISIONS OF AGREEMENT FOR ROADS AND STREETS

CITY and COUNTY agree:

1. Existing Conditions and Agreements

- A. The COUNTY shall continue to retain jurisdiction over the network of arterials and collectors within the Tigard Urban Service Area (TUSA) that are specified on the COUNTY-wide roadway system in the Washington County Transportation Plan. The CITY shall accept responsibility for public streets, local streets, neighborhood routes and collectors and other streets and roads that are not part of the COUNTY-wide road system within its boundaries upon annexation if the street or road meets the agreed upon standards described in Section 2.C.(2) below.
- B. The COUNTY and CITY agree to continue sharing equipment and services with renewed emphasis on tracking of traded services and sharing of equipment without resorting to a billing system, and improved scheduling of services. Additionally, the COUNTY and CITY shall work to improve coordination between the jurisdictions so that the sharing of equipment and services is not dependent on specific individuals within each jurisdiction. The COUNTY and CITY shall also work to establish a more uniform accounting system to track the sharing and provision of services.
- C. Upon annexation to the CITY, the annexed area shall be automatically withdrawn from the Urban Road Maintenance District (URMD).
- D. Upon annexation to the CITY, an annexed area that is part of the Washington County Service District For Street Lighting No. 1 shall be automatically withdrawn from the District. The CITY shall assume responsibility for street lighting on the effective date of annexation of public streets and COUNTY streets and roads that will be transferred to the CITY. The COUNTY shall inform PGE when there is a change in road jurisdiction or when annexation occurs and the annexed area is no longer a part of the street lighting district.

2. Road Transfers

Transfer of jurisdiction may be initiated by a request from the CITY or the COUNTY.

- A. Road transfers shall include the entire right-of-way (e.g., a boundary cannot be set down the middle of a road) and proceed in a logical manner that prevents the creation of segments of COUNTY roads within the CITY'S boundaries.
- B. Within thirty days of annexation, the CITY will initiate the process to transfer jurisdiction of COUNTY and public streets and roads within the annexed area, including local streets, neighborhood routes, collectors and other roads that are not of county-wide significance. The transfer of roads should take no more than one year from the effective date of annexation.
- C. The COUNTY:
 - (1) To facilitate the road transfer process, the COUNTY will prepare the exhibits that document the location and condition of streets to be transferred upon receipt of a transfer request from the CITY.
 - (2) Prior to final transfer, the COUNTY:
 - (a) Shall complete any maintenance or improvement projects that have been planned for the current fiscal year or transfer funds for same to the CITY.
 - (b) Shall provide the CITY with any information it may have about any neighborhood or other concerns about streets or other traffic issues within the annexed area. This may be done by providing copies of COUNTY project files or other documents or through joint meetings of CITY and COUNTY staff members.
 - (c) Shall make needed roadway improvements so that all individual roads or streets within the area to be annexed have a pavement condition index (PCI) of more than 40 and so that the average PCI of streets and roads in the annexed area is 75 or higher. As an alternative to COUNTY-made improvements, the COUNTY may pay the CITY'S costs to make the necessary improvements.
 - (d) Shall inform the CITY of existing maintenance agreements, Local Improvement Districts established for road maintenance purposes, and of plans for maintenance of transferred roads. The COUNTY shall withdraw the affected territory from any road maintenance LIDs formed by the COUNTY.
- D. The CITY:
 - (1) Agrees to accept all COUNTY roads and streets as defined by ORS 368.001(1) and all public roads within the annexed area that are not of county-wide significance or are not identified in the COUNTY'S Transportation Plan as part of the county-wide road system provided the average PCI of all COUNTY and public roads and streets that the CITY is to accept in the annexed area is 75 or higher as defined by the COUNTY'S pavement management system. If any individual COUNTY or public street or road that the CITY is to accept within the area has an average PCI of 40 or

less at the time of annexation, the CITY shall assume jurisdiction of the road or street only after the COUNTY has complied with Section 2.C.(2) of this exhibit.

- (2) Shall, in the event the transfer of roads does not occur soon after annexation, inform the newly annexed residents of this fact and describe when and under what conditions the transfer will occur and how maintenance will be provided until the transfer is complete.

- E. The CITY shall be responsible for the operation, maintenance and construction of roads and streets transferred to the CITY as well as public streets annexed into the CITY. CITY road standards shall be applicable to transferred and annexed streets. The CITY shall also be responsible for the issuance of access permits and other permits to work within the right-of-way of those streets.

3. Road Design Standards and Review Procedures and Storm Drainage

The CITY and COUNTY shall agree on:

- A. The CITY and COUNTY urban road standards and Clean Water Service standards that will be applicable to the construction of new streets and roads and for improvements to existing streets and roads that eventually are to be transferred to the CITY, and streets and roads to be transferred from the CITY to the COUNTY;
- B. The development review process and development review standards for COUNTY and public streets and roads within the TUSA, including COUNTY streets and roads and public streets that will become CITY streets, and streets and roads that are or will become part of the COUNTY-wide road system; and
- C. Maintenance responsibility for the storm drainage on COUNTY streets and roads within the TUSA in cooperation with Clean Water Services.

4. Review of Development Applications and Plan Amendments

- A. The COUNTY and CITY, in conjunction with other Washington County cities and the Oregon Department of Transportation (ODOT), shall agree on a process(es) and review criteria (e.g., types and levels of analysis) to analyze and condition development applications and plan amendments for impacts to COUNTY and state roads.
- B. The review process(es), review criteria, and criteria to condition development and plan amendment applications shall be consistent with the *Oregon Highway Plan*, the *Regional Transportation System Plan*, COUNTY and CITY Transportation Plans and Title 6 of METRO'S *Urban Growth Management Functional Plan*.

5. Maintenance Cooperation

- A. The COUNTY and CITY, in conjunction with ODOT, shall consider developing an Urban Road Maintenance Agreement within the TUSA area for the maintenance of COUNTY, CITY, and state facilities, such as separately owned sections of arterial streets and to supplement the 1984 League of Oregon Cities Policy regarding traffic lights.
 - A. The COUNTY and CITY, in conjunction with other Washington County cities, shall develop a set of minimum right-of-way maintenance standards and levels of activity to be used in performance of services provided under the exchange of services agreement described above in 5. a.
 - C. The COUNTY may contract with the CITY for the maintenance of COUNTY streets and roads within the TUSA utilizing an agreed upon billing system.
 - D. The COUNTY, CITY and ODOT, in conjunction with other Washington County cities, will study opportunities for co-locating maintenance facilities.
6. Implementation

Within one year of the effective date of this AGREEMENT, the CITY and COUNTY agree to develop a schedule that describes when the provisions of this exhibit shall be implemented.

EXHIBIT F

PROVISIONS OF AGREEMENT FOR SANITARY SEWER AND STORM WATER MANAGEMENT

CLEAN WATER SERVICES, (CWS), CITY and COUNTY agree:

1. As a county service district organized under ORS 451, CWS has the legal authority for the sanitary sewage and storm water (surface water) management within the CITY and the urban unincorporated area. CWS develops standards and work programs, is the permit holder, and operates the sanitary sewage treatment plants.
2. The CITY performs a portion of the local sanitary sewer and storm water management programs as defined in the operating agreement between the CITY and CWS. This agreement shall be modified on an as-needed basis by entities to the agreement.
3. At the time of this AGREEMENT, the following are specific issues that the parties have addressed as part of this process and agree to resolve through changes to current intergovernmental agreements.
 - A. Rehabilitation of Sewer Lines with Basins Identified with High Levels of Infiltration and Inflow (I & I).
 - B. For lines that are cost-effective to do rehabilitation, CWS and the CITY will consider cost-sharing regardless of line size under a formula and using fund sources to be agreed on between CITY and CWS. The cost-share is to be determined through specific project intergovernmental agreements. Following the evaluation of program funding methods, CWS, in cooperation with the CITY, will determine the long-term funding for I & I and other rehabilitation projects.
 - C. CWS, with assistance from the CITY and other Washington County cities, shall undertake periodic rate studies of monthly service charges to determine whether they are adequate to cover costs, including costs of maintenance and rehabilitation of sewer lines. The rate study shall consider sewer line deterioration and related maintenance and repair issues.
4. Master and Watershed Planning:
 - A. Primary responsibility for master and watershed planning will remain with CWS, but the CITY will be permitted to conduct such planning as long as these plans meet CWS standards. CWS and the CITY shall use uniform standards, such as computer modeling, to conduct these studies. CWS and the CITY shall determine their respective cost-sharing responsibility for conducting these studies.

- B. CWS and the CITY, in conjunction with other Washington County cities using the City/District Committee established by CWS, shall develop uniform procedures for the coordination and participation between CWS, the CITY and other cities when doing master and watershed planning.

5. Sanitary Sewer Systems Development Charges

CWS and the CITY, in conjunction with other Washington County cities, shall use the results of the CWS Conveyance System Management Study, or updates, for options for collection and expenditure of SDC funds to address current disparities between where funds are collected and where needs are for projects based on an agreed upon CITY/CWS master plan.

6. Storm Water Management System Development Charges

- A. CWS and the CITY shall use the results of the CWS Surface Water Management Plan Update Project to address all aspects of storm water management and to provide more direction to CWS and the CITY.
- B. Watershed plans being prepared by CWS for storm water management shall address the major collection system as well as the open-channel system to identify projects for funding.

7. Maintenance

CWS, in cooperation with the CITY and other Washington County cities, shall use the results of the CWS Conveyance System Management Study for guidance to resolve issues related to roles of the DISTRICT and the cities in order to provide more cost effective maintenance of the collection systems.

EXHIBIT G

PROVISIONS OF AGREEMENT FOR WATER SERVICE

TUALATIN VALLEY WATER DISTRICT (TVWD), TIGARD WATER DISTRICT (TWD), CITY and COUNTY agree:

1. Supply:

- A. Supply generally will not impact service boundaries, given that a limited number of sources provide all the water in the study area and the number of interconnections between providers are increasing and are encouraged to continue in the future.
- B. Future supply and conservation issues may be addressed through the Regional Water Consortium to the extent reasonable and practicable for water providers in Washington County. Service providers in the TUSA shall continue to participate in the Consortium and use it as the forum for raising, discussing and addressing supply issues.
- C. The Consortium may also serve as a forum to discuss and resolve water political issues to the extent reasonable and practicable for water providers in Washington County. The Consortium is an appropriate forum to bring elected officials together and for promoting more efficient working relationships on water supply and conservation issues.
- D. Intergovernmental agreements shall address ownership of interconnections between CITY and Districts' sources, whether for the purpose of wholesale provision of water from one entity to the other or for emergency use, in the case of a boundary change that involves the site of the interconnection.

2. Maintenance/Distribution:

- A. TVWD, TWD and the CITY do not anticipate any events in the foreseeable future that would necessitate maintenance, rehabilitation or replacement beyond the financial reach of any of the water providers in the TUSA. Each provider will continue to be responsible for providing the financial revenue stream through rates and charges and to accrue adequate reserves to meet foreseeable major maintenance needs.
- B. TVWD, TWD, CITY, and COUNTY agree to maintain and participate in the Cooperative Public Agencies of Washington County in order to efficiently share and exchange equipment and services.
- C. To the extent reasonable and practicable, TVWD, TWD and the CITY shall coordinate mandated (under Oregon law) underground utility locating services to efficiently provide service within the urban service areas.

- D. TVWD, TWD and CITY agree to provide to one another copies of as-builts of existing and new facilities and other types of water system maps for the purposes of facilitating planning, engineering and design of other utilities or structures that may connect, intersect or be built in proximity to CITY facilities. The CITY agrees to incorporate such mapping into its GIS mapping system of utilities and other facilities. TVWD, TWD and CITY agree to develop and maintain a common, on-going, up to date GIS mapping system showing facilities of each water provider within the TUSA.

3. Customer Service/Water Rates:

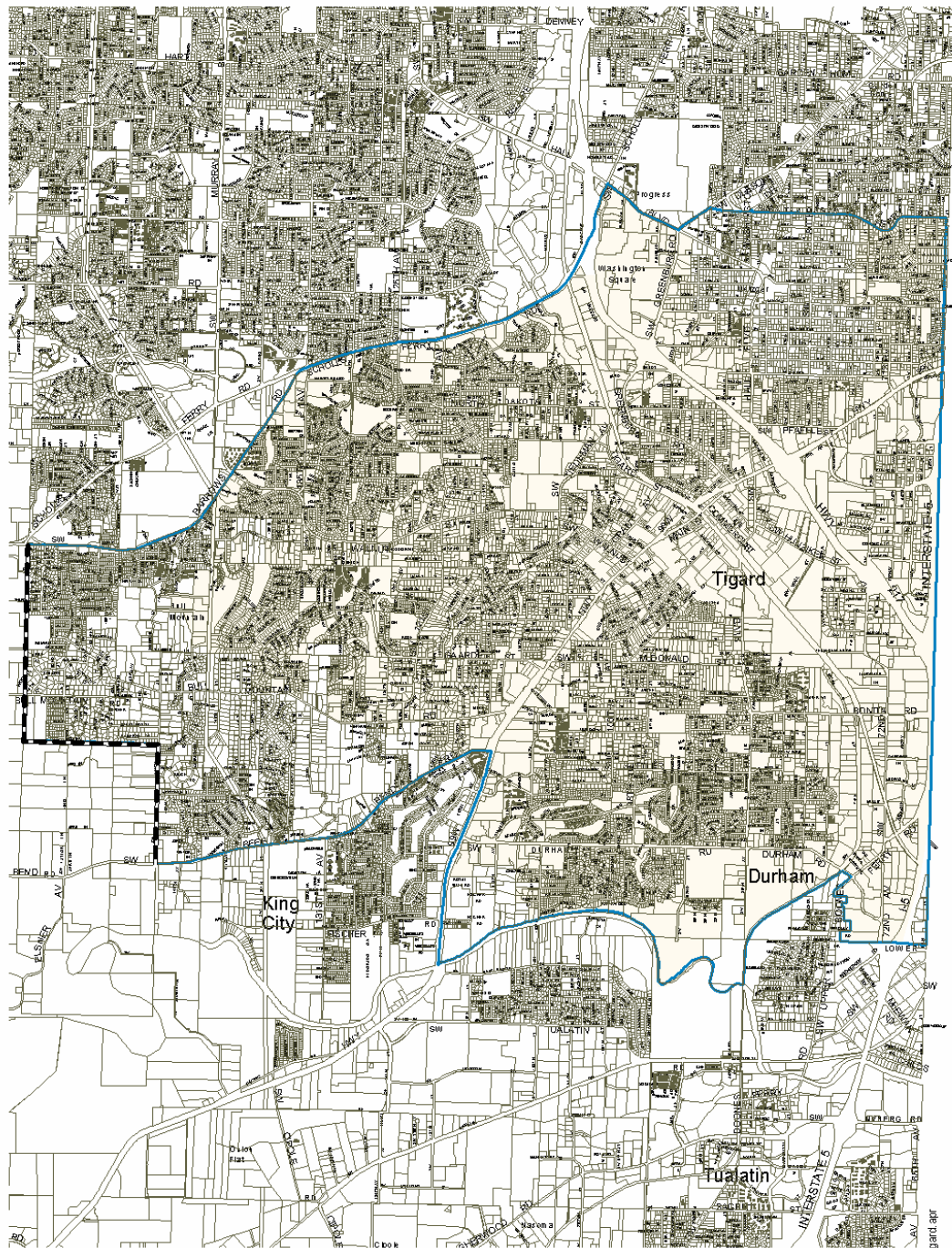
- A. Price of supply and bonded indebtedness will most likely have the greatest impact on rates.
- B. TVWD, TWD, and the CITY believe that rates are equitable within the TUSA.
- C. Given adequate water pressure, level and quality of service should not vary significantly among different water providers in the TUSA and does not appear to be an issue for most customers.

4. Withdrawal/Annexation/Merger:

- A. Notwithstanding Section I of this AGREEMENT - Roles and Responsibilities, or existing agreements between the providers, future annexations may lead to changes in service provision arrangements. Modifications to any service area boundary shall comply with METRO Code Chapter 3.09 and provisions identified under Section IV. If necessary, the Metro Boundary Appeals process shall be employed to resolve conflicts between parties as they arise. TVWD, TWD, and the CITY shall continue to work together to adjust boundaries as appropriate to improve the cost-effectiveness and efficiency of providing service.
- B. In the event that the entire service area of any DISTRICT is annexed in the future, that district shall be dissolved. No attempt shall be made to maintain the district by delaying annexation of a token portion of the district (e.g., the district office).
- C. The area of TVWD known as the Metzger service area shall remain in TVWD, except those portions agreed to by both TVWD and CITY that may be withdrawn from TVWD upon annexation to the CITY. In exchange, TVWD will support the CITY joining as a partner of the Joint Water Commission.

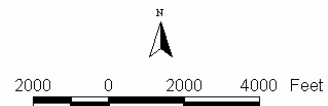
- D. Providers that propose a merger, major annexation or dissolution shall give all providers in the study area an opportunity to influence the decision as well as plan for the consequences. None of the parties waives its right to contest a major or minor boundary change by any of the other parties on the issue of the appropriate service provider for the area encompassed by the boundary change except when the party has expressly waived that right as to a described service area in an agreement executed subsequent to this agreement.

wps\share\Sb122\Tigard USA\Final Agreement 11-26-02.doc



MAP A
Tigard Urban Service Area Boundary

- Tigard Urban Service Area Boundary
- City of Tigard
- Urban Growth Boundary shared with Tigard Service Area Boundary



{arc:89ares1/dorian/oaame/sst12/tigard.apr
 01/16/2002

Summary of Major issues in SB 122 Urban Service Agreements

Service	Current	Urban	Major Issues
Fire protection and public emergency services	Tualatin Valley Fire and Rescue (TVF&R)	TVF&R	<ul style="list-style-type: none"> • No change in service
Transit	Tri-Met	Tri-Met	<ul style="list-style-type: none"> • In addition to Tri-met, public private partnerships to provide transit may occur as well. Tri-met is to work with County, CITY and METRO to provide efficient and effective public transit to the TUSA
Law Enforcement	County Sheriff	City of Tigard	<ul style="list-style-type: none"> • Enhanced Sheriff's patrol will be eliminated as annexations occur.
Parks and Recreation	None in Bull Mountain/ Metzger Park LID in Metzger	City of Tigard	<ul style="list-style-type: none"> • Tigard is the sole provider of parks, however, Tigard and Washington County shall determine feasibility of creating a park and recreation district in the TUSA or of having THPRD annex a portion of the area. • County agrees to study, with the City, the feasibility to adopting a parks SDC in the TUSA • Metzger Park LID would continue upon annexation and would be in addition to City parks service provision.
Roads and Streets	County	City of Tigard	<ul style="list-style-type: none"> • Provides level that roads need to be at before Tigard will take over.
Sanitary Sewer and Storm Water Management	Clean Water Services	City of Tigard	<ul style="list-style-type: none"> •
Water Service	Tualatin Valley Water Dist. (TVWD), Tigard Water Dist. (TWD) and City of Tigard	TVWD and City of Tigard	<ul style="list-style-type: none"> • TWD will be eliminated as annexations occur • TVWD will continue to provide service to Metzger area unless both Tigard and TVWD agree to a service provider change upon annexation.

AGENDA ITEM # _____
FOR AGENDA OF _____

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Resolution endorsing priority projects for the 04-07 Metro Transportation Improvement Program (MTIP) application and authorizing the City of Tigard to apply for funds.

PREPARED BY: Julia Hajduk DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

- 1.) Should the Council endorse the identified projects for MTIP application?
- 2.) Should the Council authorize the City to submit applications for the identified projects?

STAFF RECOMMENDATION

Adopt the resolution which will both endorse the projects and authorize the City to submit applications for the 04-07 MTIP program.

INFORMATION SUMMARY

Approximately \$26 million dollars are available for transportation from federally authorized funds that became available as part of the Transportation Efficiency Act for the 21st Century (TEA-21). The funds will be allocated in the Metro area through the Transportation Priorities 04-07 program (also known as MTIP - Metro Transportation Improvement Program). Metro has solicited projects for consideration and applications are due December 20th. The funding for new projects would not be allocated until fiscal year 2006-07.

An emphasis for the regional funding are projects located within Regional Centers or Town Centers. In addition, projects being considered must be identified in the Regional Transportation Plan (RTP) or must take the place of a project that is identified in the Regional Transportation Plan. The Washington Square Regional Center Implementation Plan and funding program identify MTIP funds as a method of making necessary transportation related improvements. After reviewing the program criteria, potential project costs and the project need, the Engineering Department, the Community Development Department and the Public Works Department (for parks) recommends submittal of MTIP applications for the following projects:

Project	Estimated Cost	Local Match
• Greenburg Road widening – widen facility from 3-lane to 5-lane between Washington Square Drive and Tiedeman	\$1,989,000	\$200,293
• Preliminary Engineering for Washington Square Regional Center Greenbelt Trail from Hall Blvd to Greenburg Road and ROW acquisition and construction for the eastern portion of this segment from Hall Blvd to Highway 217.	\$430,020	\$44,163
• Pedestrian improvements in Tigard Town Center to support commuter rail project.	\$226,720	\$23,284

As part of the project review and funding process, Metro requires a resolution of endorsement from the governing bodies from all agencies sponsoring a candidate project. The resolution of endorsement, if approved, would be submitted to Metro as part of the application packet. In addition, because the project match requirements exceed \$25,000, the City Council must also approve the application for the funds.

OTHER ALTERNATIVES CONSIDERED

Suggest revisions to the proposed projects.

Do not adopt the resolution – this would result in the City not applying for the available funds.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Transportation and Traffic, Goal 1- strategy 2 – “Encourage through traffic on major and minor arterials”

Transportation and Traffic Goal 3, strategy 2 – “Encourage uses of alternate modes”, and

strategy 3 – “Encourage development of alternate modes”

Urban and public services, parks and greenways, Goal 2 – “Open space and greenways areas are preserved and protected”

ATTACHMENT LIST

Attachment 1 – Draft Resolution

Exhibit A – Summary of Projects

FISCAL NOTES

The local match for Greenburg Road and the Downtown pedestrian improvements will be included in the street system program in future CIP budget years since the funds would not be available until fiscal year 2006-07.

The local match for the greenbelt trail would come from the Public Works Department and has been included in next year’s budget.

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-

A RESOLUTION OF THE TIGARD CITY COUNCIL ENDORSING PROJECTS FOR THE 04-07 METRO TRANSPORTATION IMPROVEMENT PROGRAM (MTIP) APPLICATION AND AUTHORIZING THE CITY OF TIGARD TO APPLY FOR FUNDS.

WHEREAS, approximately \$26 million dollars are available in regional flexible transportation funds for eligible projects through the MTIP process; and

WHEREAS, eligible projects include only those projects that are identified in the Regional Transportation Plan (RTP) financially constrained system, or projects supporting the 2040 Growth Concept that can be exchanged with an eligible project of similar value and air quality impact; and

WHEREAS, among the projects in the RTP that are also on the financially constrained system, Greenburg Road and Commuter Rail are two projects that are located within a Regional Center or Town Center; and

WHEREAS, the Washington Square Regional Center Greenbelt Trail is not in the RTP but may be traded with Oak Street, which is an existing RTP project located within Washington County and will result in no increase in air quality emissions; and

WHEREAS, the widening of Greenburg road between Washington Square Drive and Tiedeman has received MTIP funding in past years for Preliminary Engineering and Right of Way Acquisition and the construction phase is the final phase in this project; and

WHEREAS, the construction of both Greenburg Road and the segment of the Washington Square Regional Center Greenbelt Trail will begin to implement portions of the Washington Square Regional Center Plan; and

WHEREAS, the identified and proposed pedestrian improvements in the Tigard Town Center will support the Commuter Rail station that is to be located in downtown Tigard; and

WHEREAS, the local match requirement for projects within a Regional Center or Town Center is 10.27% and if the City receives all the funds being requested, this would result in a match of approximately \$268,000 coming from various funds including the TIF fund and the Parks fund, and

WHEREAS, the funds, if approved, would not be allocated until fiscal year 2006-07 allowing ample time to include these projects into the City's CIP budget.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The projects summarized in Attachment 1 are the City's priority projects for the 04-07 MTIP submittal and the City fully supports the projects for funding consideration.

SECTION 2: The City Council authorizes the submission of MTIP applications for these projects realizing there will be a local match requirement of 10.27% of the funds allocated.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2002.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

MTIP project description summary

1. **Project:** Greenburg Road widening to 5 lanes between Washington Square Drive and Tiedeman (Roadway capacity project)

Estimated cost: \$1,989,000 (City match - \$200,293)

Description: Widen Greenburg Road to 5 lanes from Shady Lane to North Dakota. The project is located wholly within the Washington Square Regional Center. Project funding for Preliminary Engineering (PE) and acquisition has been granted in previous MTIP cycles.

Anticipated fund and budget year: TIF – '06-'07

2. **Project:** Off-street greenbelt trail between Greenburg Road and Hall Blvd (Bicycle project)

Estimated cost: \$430,020 (City match - \$44,163)

Description: The project is located entirely within the Washington Square Regional Center and will provide a link in the greenbelt trail system concept adopted as part of the Washington Square Regional Center plan. It includes a temporary connection to 95th and would follow Ash Creek. Every attempt would be made to stay out of the wetland areas as much as possible. This project is not in the RTP on the financially constrained system, however, the City proposes to trade Oak Street (in Washington County) so that there is no net increase in funding costs. Because this project is for a multi-use path, it is anticipated that it will result in improved air quality. This proposal is in accordance with the eligibility requirements and will require approval from JPACT and the Metro Council.

Anticipated fund and budget year: Parks '05-'06

3. **Project:** Pedestrian improvements to support commuter rail and transit center in Tigard Town Center (Pedestrian project)

Estimated cost: \$226,720 (City match - \$23,284)

Description: Complete several pedestrian safety projects based on the recommendations in the Tigard Commuter Rail Park and Ride Traffic Impact Study to facilitate pedestrian activity to, from and between the commuter rail station, the transit center and downtown businesses.

Anticipated fund and budget year: TBD '05-'06

AGENDA ITEM # _____
FOR AGENDA OF December 10, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
TO CONDUCT A JOINT REVIEW OF QWEST AND VERIZON FRANCHISE FEES.

PREPARED BY: Craig Prosser DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the City enter into an intergovernmental agreement with other cities within the Qwest and Verizon service areas to conduct a joint review of Qwest and Verizon franchise fees paid?

STAFF RECOMMENDATION

Approve the intergovernmental agreement.

INFORMATION SUMMARY

Staff from several cities within the Qwest and Verizon service areas have been meeting over the past several months to discuss the possibility of coming together to conduct a joint audit of our franchises to ensure that we are receiving the correct amount of franchise fees due. Staff feel that a joint audit will have benefits for participating cities and will also ease the audit process for the company being audited.

Franchise fee revenues account for a significant portion of city revenues, and telephone franchise fees are often the second largest franchise fees paid. The City of Tigard receives over \$360,000 per year from Qwest and Verizon franchise fee payments.

Traditionally, cities have not audited franchise fee payments. Payments from any one company may fluctuate from year to year, and it may not be readily evident why this fluctuation occurs. In addition, city boundaries change over time with annexation. It is not clear, however, whether cities have consistently notified utilities of changes in their boundaries or whether utilities routinely update their customer lists in response to annexations. Most cities have also experienced significant growth from new construction. Again, it is not clear whether utilities have kept their customer lists by city current. Finally, most franchise fees are based on some definition of "gross revenues." To the layman, this appears to be a simple, straight-forward term, but within utility accounting procedures there are opportunities to assign revenues to other operations or other classifications which could reduce the amount of gross revenue reported by the franchised utility.

None of this is to say that we anticipate large problems within our franchised utilities. It does say, however, that it is prudent to check periodically to make sure that everything is okay. Several of the cities that have been meeting over the past several months have tentatively decided to work together on a joint audit to make sure that there are no problems in this significant revenue source.

Last year, the City of Tigard lead a consortium of 24 cities that conducted a successful joint audit of PGE franchise fees paid. This project recovered \$3.2 million for the participating cities, including \$310,000 for the City of Tigard alone.

Approximately 73 cities have tentatively agreed to form an intergovernmental agreement (IGA) to conduct a joint audit of Qwest and Verizon. The League of Oregon Cities and the Metropolitan Area Communications Commission have also been participating in these discussions and providing assistance. The proposed IGA provides for Portland and Hillsboro to lead this consortium. Tigard is a member of the executive committee.

The project schedule calls for the consultant work to begin in January 2003. We expect that this project will require a significant amount of work and time to complete. The completion date for this audit will depend upon the level of cooperation provided by Qwest and Verizon the work of individual cities in reviewing their address databases.

OTHER ALTERNATIVES CONSIDERED

Do not approve the IGA:

- a. The City has budgeted funds for one franchise audit in FY 2002-03. The City could use these funds for a stand-alone review of Qwest or Verizon (or some other franchisee's) franchise fees paid. Such an audit would probably be more limited in scope.
- b. Do not audit Qwest and Verizon. The City has never audited these franchises and yet franchise fees continue to be paid. The City could continue to trust that it is receiving all money due under these franchises.
- c. Audit only one of the utilities. Verizon is the major service provider in Tigard; Qwest serves only a small portion of the City.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Resolution with Attachment A

FISCAL NOTES

An RFP was issued, and two firms submitted proposals. The selection committee chose Maximus, Inc. to perform this work. (Maximus also conducted the successful audit of PGE franchise fees paid.) The City of Hillsboro will enter into the contract with Maximus on behalf of the consortium. The total cost of this contract is \$500,000.

Project costs will be allocated to participating cities. A portion of the cost will be divided equally among participating cities to reflect fixed set up and start up costs. (Cities of less than 10,000 population will be pooled for purposes of allocating this portion of project costs.) The remaining costs will be allocated among participants according to Qwest's and Verizon's reported gross revenues generated within each city and population. The portion of the total contract cost allocated to Tigard is expected to be \$17,510. In addition to these costs, a portion of the work of comparing Qwest and Verizon customer lists to actual city addresses will either have to be done by city staff or will be contacted out to Maximus. Tigard will contract this work out to Maximus at a cost of \$7,500, bring the total cost of this project for Tigard to \$25,010

The City budgeted \$27,500 for one franchise audit in FY 2002-03.

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT TO CONDUCT A JOINT REVIEW OF QWEST AND VERIZON FRANCHISE FEES PAID AND TO COLLECT BASE DATA NECESSARY TO A DETERMINATION OF THE FUTURE BASIS OF CALCULATION OF QWEST AND VERIZON FRANCHISE FEES.

WHEREAS, the City of Tigard has granted franchises to Qwest and Verizon for use of the public rights-of-way, and

WHEREAS, under the terms of the franchise, Qwest and Verizon are required to pay the City an annual fee equal to 5% of their gross revenues generated within the City of Tigard, and

WHEREAS, Qwest's and Verizon's payments under these franchise agreements totaled over \$360,000 in FY 2001-02, and

WHEREAS, the City has never checked Qwest's and Verizon's records to make sure that they are properly accounting for and reporting gross revenues generated within the City of Tigard, and

WHEREAS, it is appropriate to periodically check the calculations leading to this source of revenue, and

WHEREAS, several other cities within Qwest's and Verizon's service areas also wish to review franchise fees paid, and

WHEREAS, it is cost effective for several cities to conduct a joint review of Qwest's and Verizon's franchise fees paid.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City of Tigard shall enter into an intergovernmental agreement with other cities in the Qwest and Verizon service areas to conduct a joint review of Qwest and Verizon gross revenue calculations and customer.

SECTION 2: The Mayor is authorized to sign an intergovernmental agreement on behalf of the City of Tigard in substantially the form included with this resolution as Attachment A.

SECTION 3: This resolution shall become effective upon passage by the City Council.

PASSED: This _____ day of _____ 2002.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Attachment A

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement ("Agreement") is entered into no later than December 20, 2002 ("Effective Date") between all of the municipalities listed in Exhibit A. Each of the municipalities listed in Exhibit A may be referred to individually herein as a "Party" and collectively as the "Parties".

Recitals

- A. The incumbent local exchange company(s) ("Franchisee"), which are the subject of this "Telecommunications Financial Review Services" for the City of Tigard are Qwest and Verizon.
- B. The Parties desire to hire a consultant ("Consultant") to review and analyze revenues received from incumbent local exchange carriers as compensation for the rights and privileges to operate in the public right-of-way. The specific incumbent local exchange carriers, and the mechanisms under which these payments are made, may vary as between the Parties, however, the revenue base is uniform throughout and consistent with state statute.
- C. There are savings available to the Parties by aggregating the review and analysis, retaining a Consultant to assist them in such review and jointly providing funds to pay such Consultant.
- D. This Agreement is made under the provisions of Oregon Revised Statutes (ORS) 190.003 to 190.030. ORS 190.010 authorizes municipalities to enter into intergovernmental agreements for the performance of any or all functions and activities that a Party to this agreement has the authority to perform.

Agreement

The Parties agree to the following:

- 1. The Parties desire to retain a Consultant to work with the Parties in reviewing and analyzing franchise fees paid by Franchisee to the Parties, including but not limited to an evaluation of gross revenue calculations, and developing procedures to be used by member Parties in comparing customer database lists received from Franchisee with internal databases ("Consultant Services"). In performing the services, the Consultant shall analyze franchise, utility license, permit or other fees paid to the Parties by Franchisee, pursuant to the Parties' respective telecommunications

franchises, permits or licenses, for up to ten (10) calendar years. In addition, the Consultant shall obtain Franchisee customer lists to assist the Parties in the database comparison portion of the Consultant Services.

2. The Parties hereby delegate authority to the City of Hillsboro to enter into a personal services contract with the Consultant on behalf of all of the Parties. The Parties acknowledge and agree that the City of Hillsboro's standard personal services contract will be used for the procurement of the Consultant Services.

The Parties further delegate to the City of Portland and the City of Hillsboro ("Joint Lead Agencies") and the City of Hillsboro ("Managing Agency") the authority to make administrative decisions on behalf of the Parties. The Joint Lead Agencies and the Managing Agency shall make reasonable efforts to keep the Parties informed of any decisions made on behalf of the Parties.

3. Each Party shall share in the cost of paying the Consultant to perform the work as outlined in the RFP.
4. The amount in Exhibit A labeled *Total Contract Cost* for the Consultant Services may only be modified through separate written agreement signed by authorized representatives for each of the Parties to this Agreement.
5. The percentage used in Exhibit A to determine the amount of the Consultant contract that is considered fixed may only be modified through separate written agreement signed by authorized representatives for each of the Parties to this Agreement.
6. Each Party shall be responsible for paying a share of the Fixed Costs relating to the Consultant Services, as shown in Exhibit A. The Fixed Cost allocation is non-refundable in the event a Party should withdraw from this Agreement.
7. Each Party shall be responsible for paying a share of the Variable Costs, defined as the Total Cost of the Consultant Services less the Fixed Costs, which shall be apportioned as shown in Exhibit A.
8. Each Party shall remit its share of the Fixed Cost to the Managing Agency within thirty (30) days after executing this Agreement. Upon finalization of the cost allocation for the Consultant Services, each Party shall remit any remaining unpaid share of the total Fixed Cost to the Managing Agency. The City of Hillsboro shall prepare and submit invoices to each Party immediately after the Agreement is executed and the cost allocation is finalized.
9. The Managing Agency shall prepare and submit Variable Cost invoices to each Party as soon as reasonably possible. The Managing Agency will include, with each invoice, all back-up information reasonably related to the

invoice. Each Party shall pay its pro-rata share of the Variable Costs within thirty (30) days of the date of the invoice.

10. The Parties acknowledge and agree that in the event a Party withdraws from this Agreement, Exhibit A, shall automatically be updated and revised to reapportion the Variable Cost among the remaining Parties.
11. Any Party may terminate their participation in this Agreement so long as the terminating Party meet all of the following requirements (a) the terminating Party must provide seven (7) days prior written notice to both the Managing Agency and the Joint Lead Agencies; (b) such notice must actually be received by both the Managing Agency and the Joint Lead Agencies prior to the inception of any Variable Costs; and (c) the terminating Party must submit full payment to the Managing Agency of any Fixed Costs owed to date by the terminating Party.
12. This Agreement shall terminate upon the earlier of five (5) years from the Effective Date or until completion of the Franchisee Telecommunications Financial Review. This Agreement may be terminated earlier upon mutual written consent of the majority of the Parties.
15. The parties shall comply with all applicable laws and regulations regarding the handling and expenditure of public funds. This Agreement shall be construed and enforced in accordance with the laws of the State of Oregon, even if Oregon's choice of law rules otherwise would require application of the law of a different jurisdiction.
16. Time is of the essence in the performance of this Agreement.
17. This Agreement is for the benefit of the Parties only. Each Party agrees to indemnify and hold harmless each other Party and its officers, officials, employees, agents and volunteers, from and against all claims, demands and causes of actions and suits of any kind or nature for personal injury, death or damage to property on account of or rising out of services performed, the omission of services or in any way resulting from the negligent or wrongful acts or omissions of the indemnifying Party and its officers, officials, employees, agents and volunteers. In addition, each Party shall be solely responsible for any contract claims, delay damages or similar items arising from or caused by the action or inaction of that Party under this Agreement.
18. No waiver, consent, modification or change of terms of this Agreement shall be binding unless in writing and signed by authorized representatives for each of the Parties.
19. Any Party may institute legal action to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation of this Agreement.

All legal actions shall be initiated in Washington County Circuit Court. The Parties, by signature below of their authorized representatives, consent to the *in personam* jurisdiction of that court.

20. Performance by any Party shall not be in default where delays or default is due to war, insurrection, strikes, walkouts, riots, floods, drought, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by governmental entities other than the Parties, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation, litigation or similar bases for excused performance that are not within the reasonable control of the Party to be excused.
21. If any one or more of the provisions contained in this Agreement is invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions of this Agreement will not be affected or impaired in any way.
22. This Agreement is the entire agreement of the Parties on its subject and supersedes any prior discussions or agreements, oral or written, regarding the same subject.
23. This Agreement may be executed in any number of counterparts by any one or more of the Parties hereto, and all of these counterparts will be one Agreement. To facilitate execution of this Agreement, the Parties may execute by facsimile transmission the counterparts of the signature pages.

***Signature Section for Intergovernmental Agreement for Consultant
Telecommunication Financial Review Services:***

Name: City of Tigard

By: _____
James E. Griffith, Mayor

Date: _____

Franchisee subject to Telecommunication Financial Review Services:

_____ Qwest

_____ Verizon

XXX Both – Qwest and Verizon

AGENDA ITEM # _____
FOR AGENDA OF December 10, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Finalize the formation of Sanitary Sewer Reimbursement District No. 23 (SW O'Mara Street at Chelsea Loop)

PREPARED BY: G. Berry DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Finalize the formation of Sanitary Sewer Reimbursement District No.23, established to construct a sanitary sewer in SW O'Mara Street.

STAFF RECOMMENDATION

Approve the attached resolution, approving the formation of Reimbursement District No. 23 as modified by the Final City Engineer's Report.

INFORMATION SUMMARY

The project has provided sewer service to eight lots along the south side of SW O'Mara Street. Through the City's Neighborhood Sewer Extension Program, the City installs public sewers to each lot within the Reimbursement District and the owners reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner is required to pay a connection fee of \$2,335 before connecting to the line and is responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line. Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.

If Council approves the resolution to finalize the formation of the Reimbursement District, owners may pay the required fees and connect to the sewer.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

- Proposed Resolution
 - Exhibit A- Revised City Engineer's Report
 - Exhibit B- Map
 - Exhibit C- Final Cost to Property Owners
- Resolution No. 02-28
 - Exhibit A- City Engineer's Report
 - Exhibit B- Map
 - Table- Estimated Cost to Property Owners
- Vicinity Map
- Letter from Robert and Bonnie Bunger
- Notice to Owners
 - Mailing List
- Resolution No. 01-46

FISCAL NOTES

Funding is by unrestricted sanitary sewer funds.

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CITY OF TIGARD, OREGON

RESOLUTION NO. 02-_____

A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 23 (SW O'MARA STREET)

WHEREAS, on April 9, 2002, the City Council approved Resolution No. 02-28 to form Sanitary Sewer District No. 23 to construct sewers in SW O'Mara Street in accordance with TMC Chapter 13.09; and

WHEREAS, Resolution No. 02-28 included the City Engineer's Report, which contained an estimated construction cost and total project cost; and

WHEREAS, construction of the sewer improvements has completed, final costs have been determined and the City Engineer's Report has been revised to include the final costs as required by TMC 13.09.105 (1); and

WHEREAS, these property owners have been notified of an informational hearing in accordance with TMC 13.09.060 and an informational hearing was conducted in accordance with TMC 13.09.105; and

WHEREAS, the City Council has determined that the proposed revisions to the City Engineer's Report as recommended by the City Engineer are appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1 The revised City Engineer's Report titled "Sanitary Sewer Reimbursement District No. 23 (O'Mara Street at Chelsea Loop)", attached hereto as Exhibit A, is hereby approved.

SECTION 2 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address.

EFFECTIVE DATE: This resolution shall be effective immediately.

PASSED: This _____ day of _____ 2002.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

\\tig333\usr\depts\citywide\res\reim-23 (o'mara) final.doc

RESOLUTION NO. 02-

Page 1

Exhibit A
Final City Engineer's Report

**Sanitary Sewer Reimbursement District No. 23
(O'Mara Street at Chelsea Loop)**

Background

This project was constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard installs public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner pays a connection fee of \$2,335.00 and reimburses the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing sanitary sewer line is located in SW Chelsea Loop as shown on Exhibit Map B. The line from Chelsea Loop would be extended south then continue west along SW O'Mara Street serving eight lots on the south side of the street. The five contiguous lots further west were provided with service on January 26, 2000 through Reimbursement District No. 17. The lots on the north side of SW O'Mara are currently served from SW Hill Street.

The District was originally proposed to include only the seven lots fronting SW O'mara Street. During construction, the owner of a lot to the south at 9215 SW Edgewood requested service (letter attached) and obtained the easement required to extend a service line from SW O'Mara Street to the lot. This lot has been provided with service and inclusion in the district is recommended.

Cost

The final cost for the sanitary sewer construction is \$67,088.00. (This amount does not include \$1,500 for an additional service lateral requested and paid for, by the owner of 9130 SW O'Mara Street). Engineering and inspection fees amount to \$9,056.88 (13.5%) as defined in TMC 13.09.040(1). The final total project cost is \$76,144.88. This is the amount that would be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,335 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in this area are zoned R-4.5 but vary in lot size from about 9,500 to 24,000 square feet. Therefore, it is recommended that the total cost of the project be divided proportional to the square footage of each property among the seven properties included in the reimbursement district as shown on the attached table. Resolution 01-46 limits this fee to \$6,000 to the extent that it does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report.

Other reimbursement methods include dividing the cost equally among the owners or proportional to the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

The lot proposed to be added to the district at 9215 SW Edgewood Street has a forty-foot wide 155 feet long (6,200 square feet) undevelopable driveway to Edgewood Street. The area of the driveway was deducted from the total area of the lot to arrive at the area used to compute this owner's share of the public sewer line.

Each property owner's final fair share of the public sewer line is \$0.4717 per square foot of the lot served as shown in Exhibit C. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000.

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted November 25, 2002

Agustin P. Duenas PE
City Engineer

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O'MARA STREET AT CHELSEA LOOP
 SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #23
 A PORTION OF THE SE 1/4 OF SECTION 2 T2S R1W W.M.
 CITY OF TIGARD, OREGON



REIMBURSEMENT DISTRICT



MANHOLE



EXISTING SANITARY SEWER



PROPOSED SANITARY SEWER

NOTE

ALL PROPERTIES IN THE REIMBURSEMENT DISTRICT ARE
 ZONED R4.5

EXHIBIT B

NOT TO SCALE

Exhibit C
Reimbursement District #23
Final Cost to Property Owners

11/26/02
5:00 PM

OWNER		TAX LOT	ADDRESS	AREA (AC)	AREA (S.F.)	FINAL COST TO PROPERTY OWNER
1	EARDLEY	2S102DC00502	9050 SW O'MARA ST	0.51	22,360.67	\$10,547
2	YEDINAK	2S102DC00511	9090 SW O'MARA ST	0.55	23,994.48	\$11,318
3	FULLER	2S102DC00502	9130 SW O'MARA ST	0.54	23,332.99	\$11,006
4	MUELLER	2S102DC00506	9190 SW O'MARA ST	0.53	23,147.74	\$10,918
5	HODDAP	2S102DC00508	9210 SW O'MARA ST	0.54	23,520.85	\$11,094
6	FISHER	2S102DC00300	9240 SW O'MARA ST	0.22	9,479.02	\$4,471
7	FISHER	2S102DC00302	9240 SW O'MARA ST	0.35	15,114.64	\$7,129
8	BUNGER	2S102DC00402	9215 SW EDGEWOOD ST	0.61	20,485.61	\$9,662
Totals				3.84	161,436.00	\$76,144.88

CITY OF TIGARD, OREGON
RESOLUTION NO. 02- 28

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT
NO. 23 (O'MARA STREET AT CHELSEA LOOP)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, these property owners have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 23, O'Mara at Chelsea Loop", attached hereto as Exhibit A, is hereby approved.

SECTION 2: A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described on Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 23."

SECTION 3 Payment of the reimbursement fee as shown in Exhibit A is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.

SECTION 4 An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.

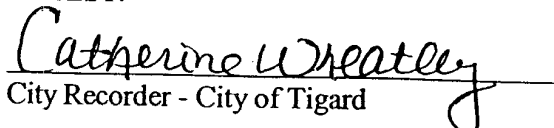
SECTION 5 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.

SECTION 6 This resolution is effective immediately upon passage.

PASSED: This 9th day of April 2002.


Mayor - City of Tigard

ATTEST:


City Recorder - City of Tigard

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Exhibit A

City Engineer's Report

Sanitary Sewer Reimbursement District No. 23 (O'Mara Street at Chelsea Loop)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard would install public sewers to each lot within a project area. At the time the property owner connects to the sewer, the owner would pay a connection fee of \$2,335.00 and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing sanitary sewer line is located in SW Chelsea Loop as shown on Exhibit Map B. The line from Chelsea Loop would be extended south then continue west along SW O'Mara Street serving seven lots on the south side of the street. The five contiguous lots further west were provided with service on January 26, 2000 through Reimbursement District No. 17. The lots on the north side of SW O'Mara are currently served from SW Hill Street.

Cost

The estimated cost for the sanitary sewer construction is \$57,790. Engineering and inspection fees amount to \$7,800 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$65,590. This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner, except for the owner providing the easement, will be required to pay an additional \$2,335 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in this area are zoned R-4.5 but vary in lot size from about 9,500 to 24,000 square feet. Therefore, it is recommended that the total cost of the project be divided proportional to the square footage of each property among the seven properties included in the reimbursement district as shown on the attached table. Resolution 01-46 limits this fee to \$6,000 to the extent that it does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report.

Other reimbursement methods include dividing the cost equally among the owners or proportional to the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$0.47 per square foot of the lot served. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000.

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted March 25, 2002

Agustin P. Duenas PE
City Engineer

O'MARA ST AT CHELSEA LOOP
 SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #23
 A PORTION OF THE SE 1/4 OF SECTION 2 T2S R1W W.M.

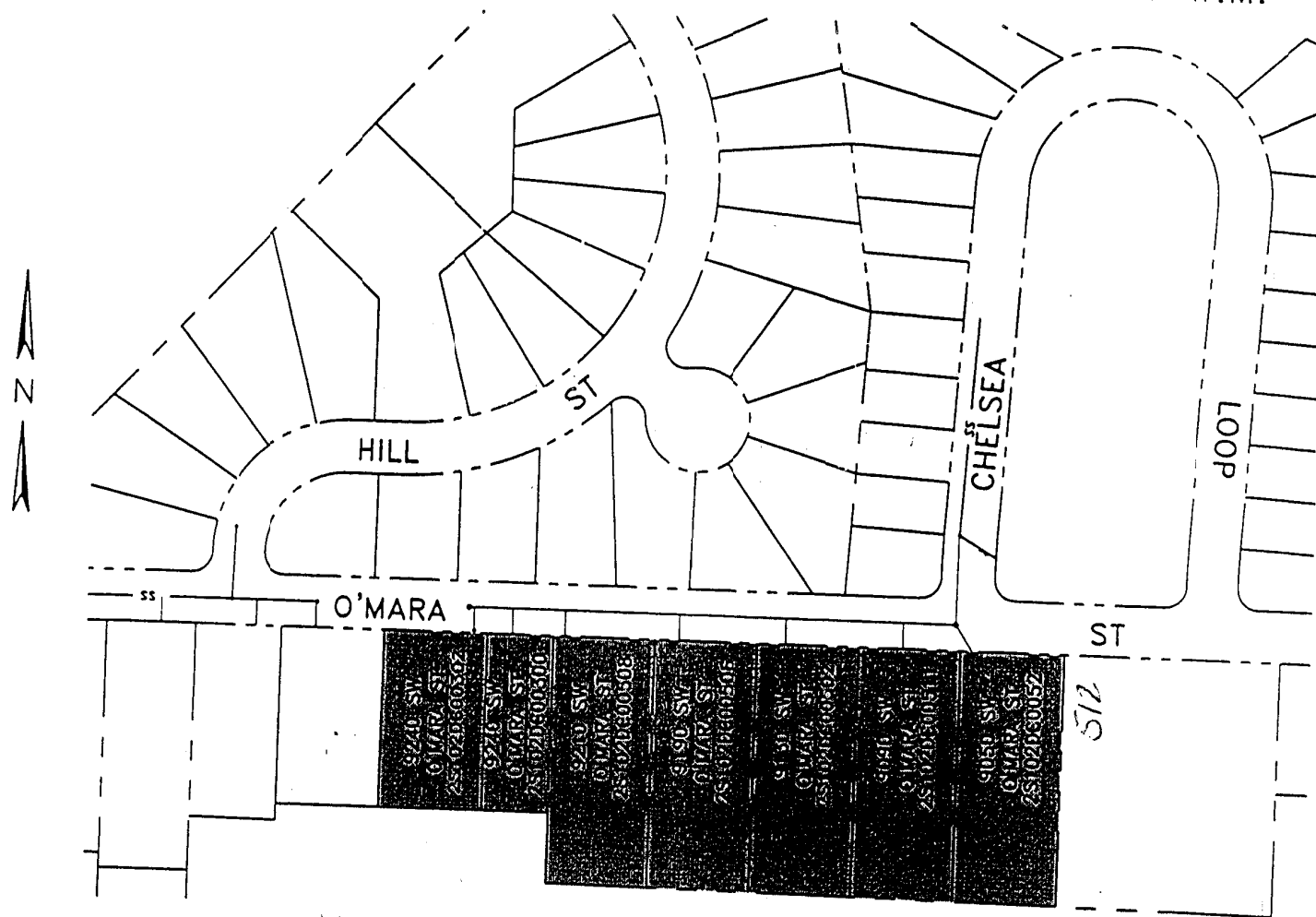


EXHIBIT B
 NTS

NOTE
 ALL PROPERTIES IN THE REIMBURSEMENT
 DISTRICT ARE ZONED R4.5

Reimbursement District #23

Estimated Cost to Property Owners

11/26/02
5:18 PM

OWNER	TAX LOT	ADDRESS	AREA (AC)	AREA (S.F.)	ESTIMATED COST TO PROPERTY OWNER
1 EARDLEY	2S102DC00502	9050 SW O'MARA ST	0.51	22,360.67	\$10,405
2 YEDINAK	2S102DC00511	9090 SW O'MARA ST	0.55	23,994.48	\$11,165
3 FULLER	2S102DC00502	9130 SW O'MARA ST	0.54	23,332.99	\$10,858
4 MUELLER	2S102DC00506	9190 SW O'MARA ST	0.53	23,147.74	\$10,771
5 HODDAP	2S102DC00508	9210 SW O'MARA ST	0.54	23,520.85	\$10,945
6 FISHER	2S102DC00300	9240 SW O'MARA ST	0.22	9,479.02	\$4,411
7 FISHER	2S102DC00302	9240 SW O'MARA ST	0.35	15,114.64	\$7,033
Totals			3.23	140,950.39	\$65,588.81

O'MARA STREET AT CHELSEA LOOP
SANITARY SEWER IMPROVEMENTS
REIMBURSEMENT DISTRICT #23



PROJECT LOCATION MAP

NOT TO SCALE

26 August 2002

City of Tigard, Oregon
13125 SW Hall Blvd.
Tigard, OR. 97223

RECEIVED

AUG 27 2002

CITY OF TIGARD

Attn: Greg Berry and Michael Mills
Utilities Engineer Senior Engineering Technician

Re: Sanitary District # 23

This letter is in regard to the Sanitary Sewer Reimbursement District No. 23. (SW Omara Street) of which we would like to join.

We reside at 9215 SW Edgewood Street and the back of our property abuts the Tony Fisher property at 9240 SW Omara. We have a daylight basement house with a full bath at this level which would require the future sewer in Edgewood to be 20+ feet deep for us to hook up. Therefore after talking with Tony, he has granted us an easement to go across the east side of his property allowing us to hook up to this Sanitary District.

We would be pleased to be considered a part of this Sanitary District.

Thank You

Robert & Bonnie Burger
9215 SW Edgewood Street
Tigard OR 97223 - 5911

November 25, 2002

**NOTICE
Of
PUBLIC HEARING
Tuesday, December 10, 2002
7:30 PM
Tigard Civic Center
Town Hall**

The following will be considered by the Tigard City Council on December 10, 2002 at 7:30 PM at the Tigard Civic Center - Town Hall, 13125 SW Hall Blvd., Tigard, Oregon. Both public oral and written testimony is invited. The public hearing on this matter will be conducted as required by Section 13.09.105 of the Tigard Municipal Code. Further information may be obtained from the Engineering Department at 13125 SW Hall Blvd., Tigard, Oregon 97223, or by calling 639-4171.

INFORMATIONAL PUBLIC HEARING:

FINALIZATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 23 (SW O'Mara Street). The Tigard City Council will conduct a public hearing to hear testimony on the finalization of Sanitary Sewer Reimbursement District No. 23 formed to install sewers in SW O'Mara Street.

Each property owner's recommended fair share of the public sewer line is **\$0.4417 per square foot**. Each owner's fair share would be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46. Please call Greg Berry of the Engineering Department 639-4171 ext. 2468 if you have questions.

Property Owner Mailing List

O'Mara Street at Chelsea Loop Sanitary Sewer Reimbursement District No. 23

"Tax id"	"Owner"	"Address"	"City"	"State"	"Zipcode"
2S102DC00300, 00302	FISHER ANTHONY C	1300 GLENMORRIE DR	LAKE OSWEGO	OR	97034
2S102DC00508	HODAPP ELDON J & JUDITH L	9210 SW OMARA ST	TIGARD	OR	97223
2S102DC00506	MUELLER ROLF K & NANCY J	9190 SW OMARA ST	TIGARD	OR	97223
2S102DC00502	FULLER ROBERT E AND	9130 SW OMARA ST	TIGARD	OR	97223
2S102DC00511	YEDINAK MARTIN J & CHRISTINE G	9090 SW OMARA	TIGARD	OR	97223
2S102DC00512	EARDLEY DIANNE &	PO BOX 91278	PORTLAND	OR	97291
2S102DC00402	BUNGER, ROBERT & BONNIE	9215 SW EDGEWOOD ST	TIGARD	OR	97223

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

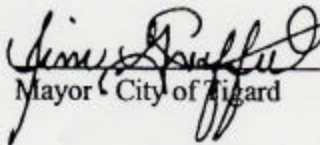
SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

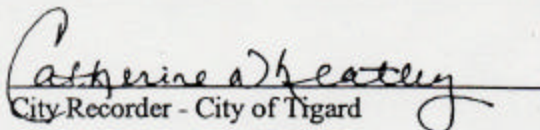
SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.


Mayor • City of Tigard

ATTEST:


City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1 Reimbursement Districts with Refunds Available			
DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

* Currently being constructed

AGENDA ITEM # _____
FOR AGENDA OF December 10, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Finalize the Formation of Sanitary Sewer Reimbursement District No. 25 (SW Carmen Street)

PREPARED BY: G. Berry DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Finalize the formation of Sanitary Sewer Reimbursement District No. 25, established to construct a sanitary sewer in SW O'Mara Street.

STAFF RECOMMENDATION

Approve the attached resolution approving the formation of Reimbursement District No. 25 as modified by the final City Engineer's Report.

INFORMATION SUMMARY

The project has provided sewer service to seventeen lots along SW Carmen Street east of SW 121st Avenue. Through the City's Neighborhood Sewer Extension Program, the City has installed public sewers to each lot within the Reimbursement District and the owners will reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner will be required to pay a connection fee of \$2,335 before connecting to the line and will be responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line. Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.

If Council approves the resolution to finalize the formation of the Reimbursement District, owners may pay the required fees and connect to the sewer.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

- Proposed Resolution
 - Exhibit A- Revised City Engineer's Report
 - Exhibit B- Map
- Resolution No. 02-45
 - Exhibit A- City Engineer's Report
 - Exhibit B- Map
- Vicinity Map
- Notice to Owners
 - Mailing List
- Resolution No. 01-46

FISCAL NOTES

Funding is by unrestricted sanitary sewer funds.

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-_____

A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 25 (SW CARMEN STREET)

WHEREAS, on July 9, 2002, the City Council approved Resolution No. 02-45 to form Sanitary Sewer District No. 25 to construct sewers in SW Carmen Street in accordance with TMC Chapter 13.09; and

WHEREAS, Resolution No. 02-45 included the City Engineer's Report, which contained an estimated construction cost and total project cost; and

WHEREAS, construction of the sewer improvements has been completed, final costs have been determined, and the City Engineer's Report has been revised to include the final costs as required by TMC 13.09.105 (1); and

WHEREAS, these property owners have been notified of an informational hearing in accordance with TMC 13.09.060 and an informational hearing was conducted in accordance with TMC 13.09.105; and

WHEREAS, the City Council has determined that the proposed revisions to the City Engineer's Report as recommended by the City Engineer are appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1 The revised City Engineer's Report titled "Sanitary Sewer Reimbursement District No. 25 (Carmen Street)", attached hereto as Exhibit A, is hereby approved.

SECTION 2 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address.

EFFECTIVE DATE: This resolution shall be effective immediately.

PASSED: This _____ day of _____ 2002.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

i:\citywide\res\reim-25(carmen) final.doc

Exhibit A
Final City Engineer's Report
Sanitary Sewer Reimbursement District No. 25 (SW Carmen Street)

Background

This project was constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program, the City of Tigard installs public sewers to each lot within a project area. At the time the property owner connects to the sewer, the owner pays a connection fee of \$2,335 and reimburses the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing sanitary sewer line is located in SW 121st Avenue as shown on Exhibit Map B. This line was extended east along SW Carmen Street to serve seventeen lots.

Cost

The final cost for the sanitary sewer construction is \$128,946. Engineering and inspection fees amount to \$17,407.71 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$146,353.71. This is the amount that would be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,335 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in this area are zoned R-4.5 and have similar lot sizes as can be seen in Exhibit Map B. Therefore, it is recommended that the total cost of the project be divided equally among the seventeen properties included in the reimbursement district. Resolution 01-46 limits this fee to \$6,000 to the extent

that is does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report.

Other reimbursement methods include basing the proportional share upon the square footage of each property or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's final fair share of the public sewer line is \$8,609.04. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000.

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

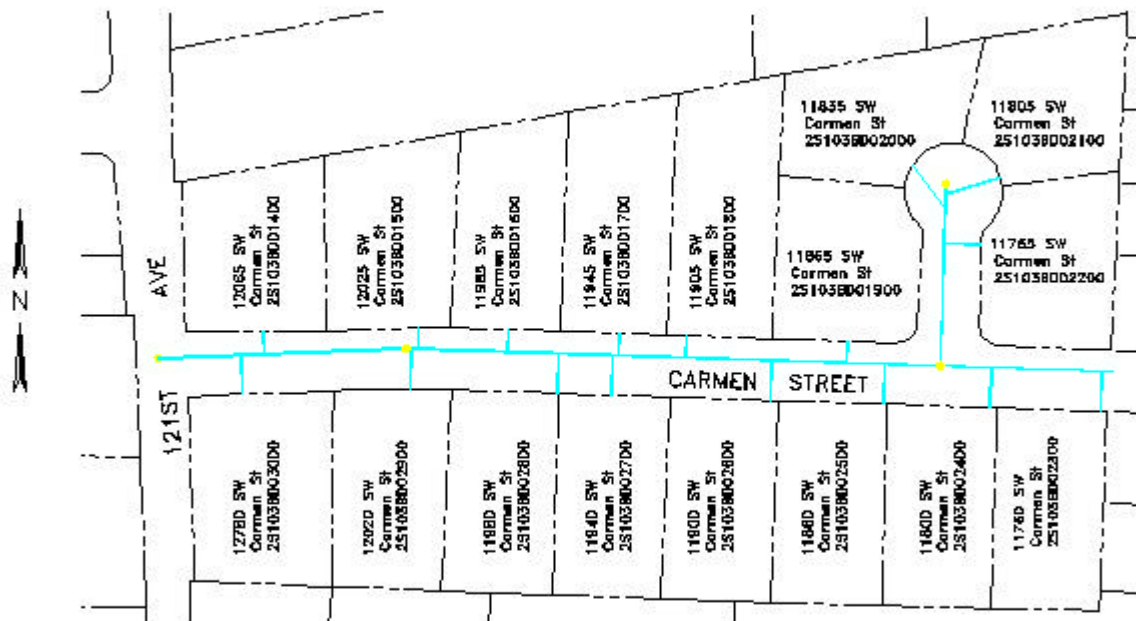
Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted November 25, 2002

AGUSTIN P. DUENAS, P.E.
City Engineer

A PORTION OF THE SE 1/4 OF THE NW 1/4 SECTION 03 T2S R1W W.M.



NOTE
ALL PROPERTIES IN THE REIMBURSEMENT
DISTRICT ARE ZONED R4.5

EXHIBIT B
NTS

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-45

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 25
(CARMEN STREET)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the property owners within the proposed district have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1: The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 25", attached hereto as Exhibit A, is hereby approved.
- SECTION 2: A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described on Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 25, (Carmen Street)."
- SECTION 3: Payment of the reimbursement fee as shown in Exhibit A is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.
- SECTION 4: An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.
- SECTION 5: The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.
- SECTION 6: This resolution is effective immediately upon passage.

PASSED: This 9th day of July 2002.

ATTEST:

Catherine Whealley
City Recorder - City of Tigard

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James E. Duffin
Mayor - City of Tigard

Certified to be a True Copy of Resolution 02-45
Original on File

By: Spencer L. Castelf
Deputy Recorder - City of Tigard

Date: August 5, 2002

Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 25 (SW Carmen Street)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard would install public sewers to each lot within a project area. At the time the property owner connects to the sewer, the owner would pay a connection fee of \$2,335.00 and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing sanitary sewer line is located in SW 121st Avenue as shown on Exhibit Map B. This line from would be extended east along SW Carmen Street serving seventeen lots.

Cost

The estimated cost for the sanitary sewer construction is \$102,700. Engineering and inspection fees amount to \$13,860 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$116,560. This entire amount should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,335 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in this area are zoned R-4.5 and have similar lot sizes as can be seen in Exhibit Map B. Therefore, it is recommended that the total cost of the project be divided equally among the seventeen properties included in the reimbursement district. Resolution 01-46 limits this fee to \$6,000 to the extent

that is does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report.

Other reimbursement methods include basing the proportional share upon the square footage of each property or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$6,860. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000.

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

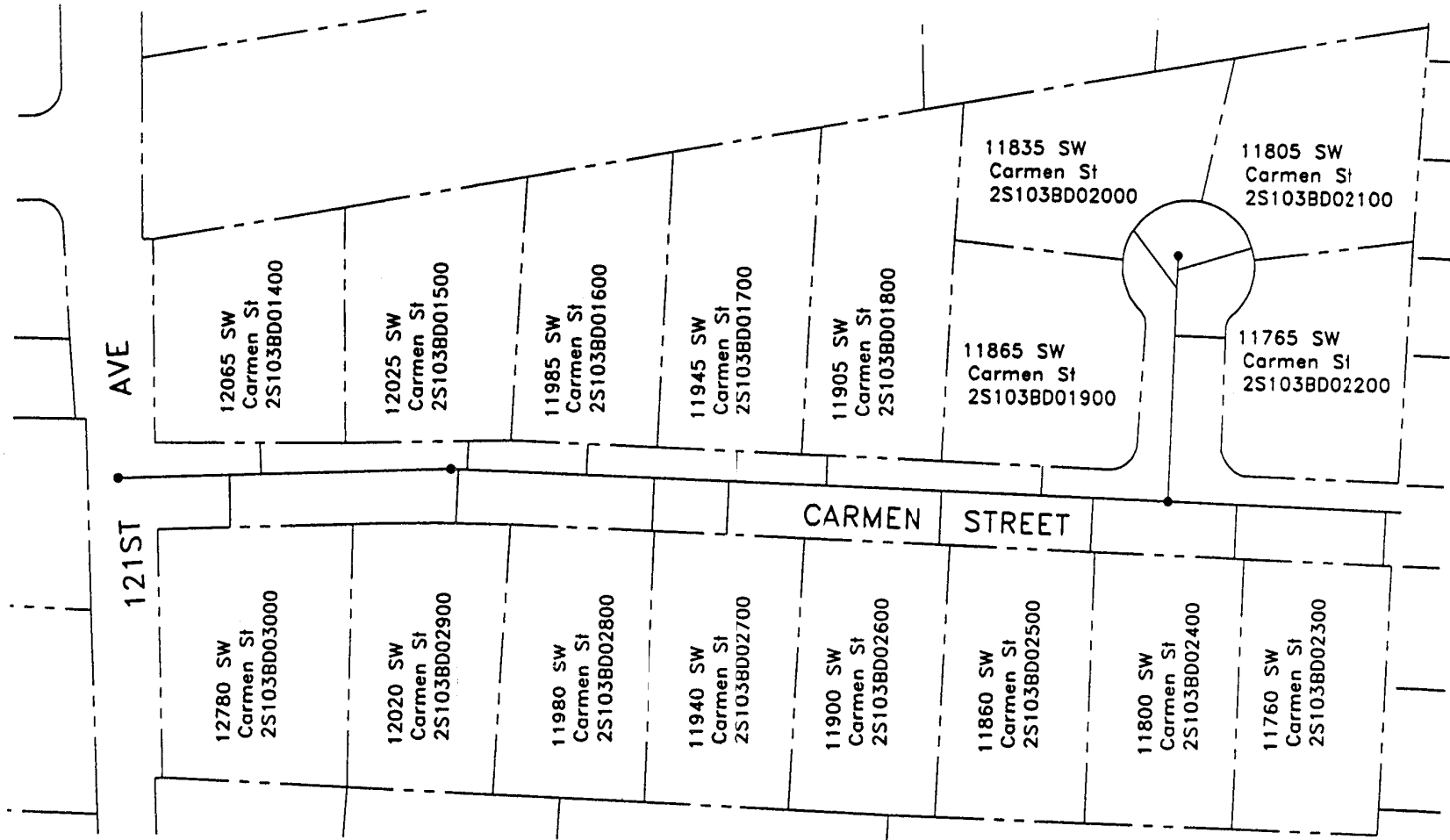
Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted June 24, 2002

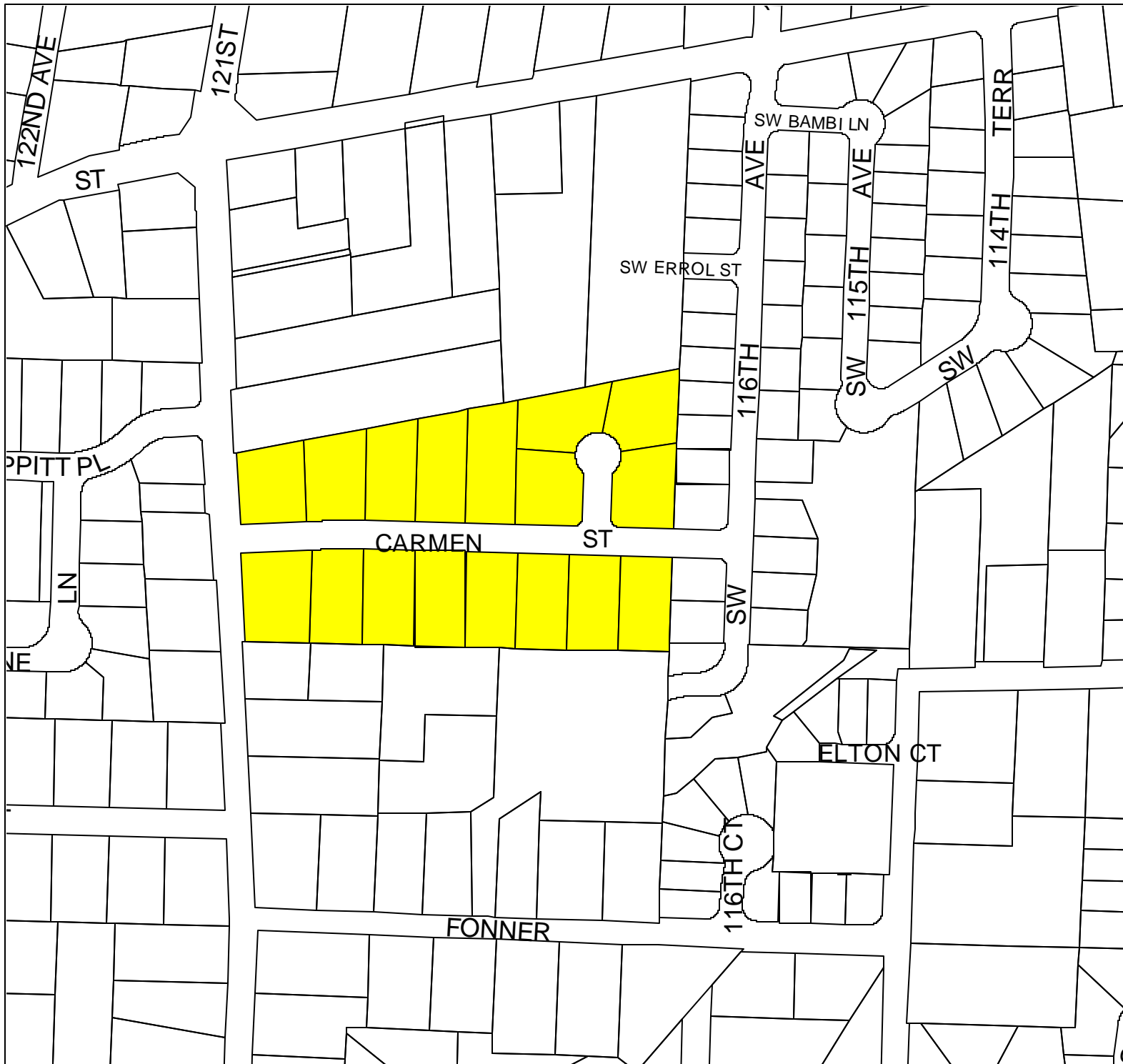
AGUSTIN P. DUENAS, P.E.
City Engineer

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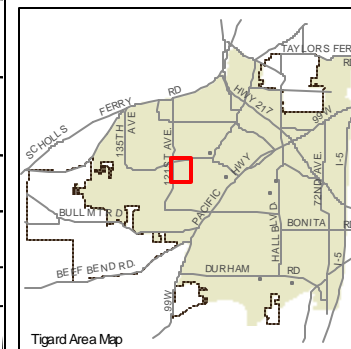


NOTE
ALL PROPERTIES IN THE REIMBURSEMENT
DISTRICT ARE ZONED R4.5

EXHIBIT B
NTS



VICINITY MAP Carmen Street Reimbursement District # 25



0 100 200 300 Feet

1"= 240 feet



Information on this map is for general location only and
should be verified with the Development Services Division.
13125 SW Hall Blvd
Tigard, OR 97223
(503) 639-4171
<http://www.ci.tigard.or.us>

November 25, 2002

NOTICE
of
PUBLIC HEARING
Tuesday, December 10, 2002
7:30 PM
Tigard Civic Center
Town Hall

The following will be considered by the Tigard City Council on December 10, 2002 at 7:30 PM at the Tigard Civic Center - Town Hall, 13125 SW Hall Blvd., Tigard, Oregon. Both public oral and written testimony is invited. The public hearing on this matter will be conducted as required by Section 13.09.105 of the Tigard Municipal Code. Further information may be obtained from the Engineering Department at 13125 SW Hall Blvd., Tigard, Oregon 97223, or by calling 718-2468.

INFORMATIONAL PUBLIC HEARING:

FINALIZATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 25 (SW Carmen Street). The Tigard City Council will conduct a public hearing to hear testimony on the finalization of Sanitary Sewer Reimbursement District No. 25 formed to install sewers in SW Carmen Street.

Each property owner's recommended fair share of the public sewer line is \$8,609. Each owner's fair share would be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01- 46. Please call Greg Berry of the Engineering Department 718-2468 if you have questions.

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Property Owner Mailing List
Carmen Street Sanitary Sewer Reimbursement District No. 25

TaxID	Name	Address	City	State	Zip
2S103BD01400	FINSTAD TERRANCE E	12065 SW CARMEN ST	TIGARD	OR	97223
2S103BD01500	Henry W. Tieman	12025 SW CARMEN ST	TIGARD	OR	97201
2S103BD01600	MALONE THOMAS E	11985 SW CARMEN ST	TIGARD	OR	97223
2S103BD01700	JOHNSON WARREN A	11945 SW CARMEN ST	TIGARD	OR	97223
2S103BD01800	LIEBL THOMAS R & BONNIE	11905 SW CARMEN ST	TIGARD	OR	97223
2S103BD01900	IADANZA NICHOLAS E &	11865 SW CARMEN ST	TIGARD	OR	97223
2S103BD02000	JOHNSON DAVID W	11835 SW CARMEN ST	TIGARD	OR	97223
2S103BD02100	COPELAND BRIAN W	11805 SW CARMENT ST	TIGARD	OR	97223
2S103BD02200	BOYEAS GEORGE M	11765 SW CARMEN ST	TIGARD	OR	97223
2S103BD02300	SMITH ROSS JAY	11760 SW CARMEN ST	TIGARD	OR	97223
2S103BD02400	CLARK OSCAR & DELORIS TRS/ CURRENT OWNER	11800 SW CARMEN ST	TIGARD	OR	97223
2S103BD02500	RHONE HENRY JR	11860 SW CARMEN ST	TIGARD	OR	97223
2S103BD02600	MADDOX CLIFFORD L AND	11900 SW CARMEN ST	TIGARD	OR	97223
2S103BD02700	BIEHL PHILIP & LINDA	11940 SW CARMEN ST	TIGARD	OR	97223
2S103BD02800	REEVES MICHAEL & NADINE	11980 SW CARMEN ST	TIGARD	OR	97223
2S103BD02900	DOWNING JOHN & JANICE TRS	12020 SW CARMEN ST	TIGARD	OR	97223
2S103BD03000	GROSSWILER R EDWARD &	12780 SW 121ST AVE	TIGARD	OR	97223

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

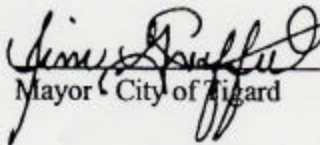
SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

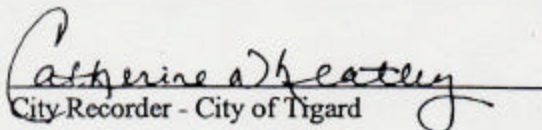
SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.


Mayor - City of Tigard

ATTEST:


City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1 Reimbursement Districts with Refunds Available			
DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

* Currently being constructed